

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
WEDNESDAY, JANUARY 3, 1990

ATTENDEES: Ron Anderson, Debbie Charles, Lisa DeSoto, Bud Eaton, Dee Farrell, John & Kelly Flocks, Norman Hampton, Marion Honig, Angela Lardies, Eva Matsumoto, Aaron Nagar, Mitch Shein, Paul Wenhold, Judy Doctor, Howard Groedel, Raj Gupta, Rose Krasnow, David Melnick, Ralph Mittelberger, Charles Molyneaux, Steve Plotkin.

The meeting was called to order at 7:40 P.M. by President Steve Plotkin. Several residents were present at the Community Forum to discuss the parking situation in the townhouse lots. Judy Rudolph proposed that each townhouse owner should have one assigned space. As the number of cars continues to grow, more and more people are forced to park further and further away from their own homes. In view of the recent vandalism and the rather poor lighting in the townhouse areas, Judy suggested that the Board had a valid reason to initiate assigned parking. She pointed out that people would not be considerate on their own. Each household could be given either a particular space or a permit to park in any of a group of designated spaces. Steve Plotkin wondered how the Board would enforce assigned parking. Beth Fisher said that in the 22 years she had lived in a condo, enforcement had almost never been a problem. Raj pointed out that a vote had been taken before and had been defeated. Too many residents still seemed to like the existing parking arrangement. Mitch Shein said that there was not really a parking problem in the 100 block. Could assigned parking be instituted only in those areas having a problem? Steve felt that a selective policy would be considered discriminatory. Ralph Mittelberger said that some townhouse residents had apparently been promised 2 parking spaces by their realtors, but Rose said that even if the spaces were made quite narrow, there still would not be two for each of the 185 townhouses. Debbie Charles said that she would like to be considerate but that some people have several cars and never move them. When, she wondered, would she get to park in front of her house? Lisa DeSoto, who had recently moved into the community, said that she had checked into the parking situation before settling here. As long as there were no assigned spaces, she felt she was entitled to use any available spot. Steve acknowledged that the problem was simply one of too many cars. If the number of disputes was growing and could not be amicably resolved among neighbors, perhaps the Board did need to step in. There was some debate as to whether the Board should simply make a decision after receiving input from the community or the community as a whole should vote. It was agreed, however, that a committee composed of those in favor of assigned parking should be created to further explore the issue. Judy Rudolph and Beth Fisher agreed to be co-chairs and additional members would be sought in the January newsletter. It was hoped the matter could be resolved before the lots were resealed in the Spring.

Aaron Nagar was upset about the many dogs allowed to run loose in the 800 block. A suggestion that the Board write a letter to the offenders was rejected because the Board did not wish to get in the middle of every problem among neighbors. However, it was agreed that Rose would talk to Animal Control to see if stepped up enforcement could be provided between 6:30 and 8:00 A.M. when many of the problems occurred. If tickets were actually issued, the problem might be minimized. The names of the violaters could be published in the newsletter as a further deterrent.

Following the Community Forum, the minutes and agenda were approved. Under old business, the Flocks were told that two members of the Board (Ralph and Steve) would meet with them in January to resume negotiations. Steve made it clear that these discussions would be private and that nothing said by either party during the course of the negotiations should be publicized.

The Board then considered the matter of the gray nonconforming roofs put up by Paul Wenhold of 106 NME and Dee Farrell of 108 NME. Dee made it clear that they did not know that the roofs required an application. They had redone their decks at the same time and had submitted an application, so clearly they were not trying to circumvent the process. Did the Board plan to go after every roof in the community that did not meet the newly established standard? Steve explained that the many notices in the newsletter and on invoices about the need to file an application had been started after the last nonconforming roof had been put on so that no one could ever again claim ignorance of the process. The Board did not have to go after every past violator, as long as they had made it clear to the community that any future violation would not be overlooked. Mitchell Shein pointed out that he had applied to put up a light colored roof and had been denied. Now he wanted to see the same rules applied to others. There was considerable debate as to whether the Flocks fence represented the same type of violation as the two roofs. Judy felt that the roofs were a visual problem only, while the fence affected the neighbors. Steve pointed out that by allowing some nonconforming roofs in the past, it seemed a precedent had been set. The Board did not want to set a new precedent by allowing a fence such as the Flocks'. Carl Root admitted that the two roofs were non-conforming but did that mean the color was "offensive"? If not, did the roofs need to come down? Steve pointed out that the townhouses had one long expanse of rooftop, and that a non-conforming roof really stood out, particularly along the lakefront. One alternative might be to consider this a transitional case. Instead of requiring the roofs to be removed, a heavy fine (perhaps \$500/person) could be levied. This would put the community on notice that the Board was serious. Steve polled the Board to see if the prevailing opinion was that some action was necessary. Only Judy felt that no action was needed, while David felt that the Board should take action against the white roof in the 800 block as well. The Board postponed any further decisions until the community's lawyer could be consulted.

Carl Root had volunteered to serve on the Architectural Control Committee and was present to explain his views to the Board. He felt that one could take either a laissez-faire approach to the covenants or a strict constructionist approach, and he tended to favor the former. However, Steve pointed out that the purpose of the Committee was to make sure that the covenants were upheld, so he questioned whether Carl would be a good choice. Rose said she would put a notice seeking additional volunteers in the newsletter.

The insurance company had accepted the lowest bid of \$4580 for the replacement of the vandalized section of the basketball court wall. Judy Doctor was appointed to look into the matter of why the fire had not been listed as a case of arson.

The third Wednesday in March was selected as the date for the Annual Meeting.

The meeting was adjourned at 10:20 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
WEDNESDAY, FEBRUARY 7, 1990

ATTENDEES: Judy Doctor, Howard Groedel, Raj Gupta, David Melnick, Ralph Mittelberger, Charles Molyneaux, Steve Plotkin, Rose Krasnow, Don Gangloff, Mike Miller, John & Kelly Flocks, Mitchell Shein.

The meeting was called to order at 7:35 PM by President Steve Plotkin. Mike Miller of 254 NME was present to discuss several issues which he had included in a letter to the Board. The first was the idea of replacing the shingles in the front and back of his house with aluminum siding. Mike felt that the Board needed to come up with a position on this issue, since many homeowners would need to do something about their shingles over the next few years. Raj felt the matter should go first to the Architectural Control Committee and the rest of the Board agreed. Mike also wondered if the Board would pay to have a post lamp installed on his property, if he was willing to pay for the electricity each month. He pointed out that the path in front of 254-260 NME was very dark, and the post light would benefit several families. The Board declined on the grounds that there were probably similar darkened walks in other townhouse areas and that once the precedent was established, the total cost to the community could be quite high. Finally, the Board discussed the proposed newsletter article drafted by Mike about the Property Maintenance Committee. Ralph wondered if every substandard feature in the community had to be brought before the Board prior to any Committee action. It was suggested that the committee could initiate conversations with those homeowners who needed to make repairs. If the homeowner seemed resistant, the matter would be brought to the Board's attention and letters could then be sent out. Although this would slow the process somewhat because the time limit for completing the repairs could not begin until something was put in writing, this would be a friendlier approach and might save the Board's time as well. Steve pointed out that it had been years since the community had tried to do something like this, so the best procedures to follow would have to be worked out by trial and error. Raj pointed out that if the repairs involved repainting or replacing the roof, a homeowner must be told to first file an architectural control application. Steve suggested that the committee only pursue the worst cases. It was finally decided that the newsletter article should not discuss the legal remedies available to the Board if repairs were not made in a prompt and timely fashion, because no one wanted it to appear that New Mark was turning into a "police state". These options could be explained by letter to the homeowner involved in a maintenance dispute.

The minutes from the last meeting were approved as read. The issue of installing visible TV antennas was added to the agenda under new business.

Under correspondence, Rose announced that Southern Engineering had asked the Planning Commission for an indefinite postponement of their plans to build homes at Maryland & Argyle. Several residents of the 800 block had sent a petition to the city's Animal Control division, asking for stepped up enforcement in New Mark between 6:30 - 8 AM. The City had invited the Board to a forum on February 13th to discuss problems caused by the Association's responsibility for maintaining the roads, providing lighting and snow removal, taking care of the lake, and so forth. The Rockville Consortium for Science had written requesting our support. David moved we join the Consortium at a cost of \$10.00. Howard seconded the motion, which passed unanimously.

Under committee reports, Steve reported that he and Ralph Mittelberger hoped to get negotiations with the Flocks underway in February. Everything had been delayed because Mr. Flocks' father had been out of town. No one was present from the parking committee. Under maintenance, Rose was distressed that she could not seem to get Rick motivated to start cleaning the woods and another winter was passing by. The Board made it clear that if Rick valued his job, he should get the job done. Steve offered to talk to Rick if that would help.

Under old business, when Judy Doctor talked to Lieutenant Alexander at the Fire Marshall's Office, he seemed quite willing to accept that the fire in the basketball court wall was an act of arson and should be investigated accordingly. Rose had found one family whose son was willing to tell the marshalls who he believed was responsible for the blaze. In the meantime, the insurance company stated that the wall was not covered under the New Mark policy, but when pressured by Rose, they changed their mind. Nevertheless, they were only willing to cover \$2400 of the bill, even though the original estimate received for repairing the damaged portion of the wall was \$4550. Martin McAdams, the agent for New Mark, claimed that the insurance company never planned to pay the entire \$4550, but Steve agreed to talk to Mr. McAdams to determine just what was going on. It also seemed advisable to review our entire insurance policy to make sure that the coverage was adequate.

Every contractor who looked at the wall felt that Rick had not built it properly. In light of this, the Board recognized felt that the entire wall should be rebuilt even though much of it would be at New Mark's expense. It was suggested that the engineer be consulted before work got underway. Steve moved that we budget \$5000 to cover New Mark's portion of replacing the wall and installing a fence along the top. Judy seconded the motion which passed unanimously. In another vandalism incident, three young people were observed defacing signs and the bridge with spray paint. When Rose learned that the perpetrators had been identified, the matter was turned over to the police.

The new roofs at 106 - 108 NME were the next item on the agenda. Don Gangloff stressed that design intent is a crucial part of the

covenants. His research indicated that it was clearly the intent of the builder to have a solid expanse of the same color roof. David made a motion stating "That the Board finds that the roofs at 106 & 108 NME are not in harmony with the community and therefore violate the covenants." Steve seconded the motion which passed unanimously. The Board then discussed available remedies. Although it was clear that the Board could require that the roofs be changed, several people favored a settlement. A settlement was viewed as an acceptable compromise in this instance because the community was in a period of transition in terms of architectural control enforcement. David moved that we inform Ms. Farrell and Mr. Wenhold that their roofs were in violation of the covenants but that the Board was amenable to a settlement. Steve seconded the motion which passed by a 6 - 1 margin (Howard Groedel dissenting).

Under new business, the Board discussed Marriott's proposed move to the Tower Oaks property. The Board felt that it would be a good idea to write to Marriott. The letter could explain who we are and what our role has been with respect to the property in question. While welcoming Marriott as a neighbor, we could also inform the company of the agreements that had been reached in the past.

Rose reported that Steve and Vivian Freed had recently installed a large television antenna on top of their roof. Raj made a motion "that the Board finds the antenna to be in violation of the covenants and demands that it be taken down. Steve seconded the motion, which passed unanimously.

Before the meeting was adjourned, visitors were asked to leave so that the Board could work out an acceptable settlement to the roof issue. Steve moved that the Board collect a settlement of \$500 per house. Should the homeowners refuse to settle, the Board would be obligated to require that the roofs be removed. David seconded the motion which passed by a 5 -2 margin (Howard & Judy dissenting).

The meeting was adjourned at 10:15 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
WEDNESDAY, MARCH 7, 1990

ATTENDEES: Judy Doctor, Raj Gupta, Steve Plotkin, Rose Krasnow, Mitch & Caren Shein, David Wolfe, Jeff & Leslie Chemtob.

The meeting was called to order by President Steve Plotkin at 7:45 P.M.. Although a quorum was not present, no items on the agenda seemed to require a vote, so the meeting went ahead as scheduled.

Jeff & Leslie Chemtob of 222 NME were present at the Community Forum. They were concerned about the lack of lighting along the bike path by the lake. They pointed out that kids tended to hang out back there, and they wondered if another light could be installed near the dock. Steve said that many areas of New Mark were too dark and that illuminating all of them would get quite expensive. Nevertheless, it was agreed that Mitchell Shein and Rose would go out one night after dark and survey the entire community to determine the scope of the problem, so that the Board could then choose the most appropriate action to take.

The minutes and agenda were approved as read. Under correspondence, Rose had received a letter from Ken Lerner asking about the maintenance of the grass between #3 and #5 Tegner Court. After checking the plats, it was determined that New Mark owned the land, so it was agreed that Rick should maintain it. Mr. Lerner was also interested in putting a fence across the area to keep people from cutting through. The Board was skeptical of the idea but asked Rose to meet with Mr. Lerner to find out just what he had in mind.

Under old business, Steve announced that the Flocks dispute had been settled. The trellis atop the fence would be removed, which would lower the fence from 6 feet to 5'3". In addition the slat configuration would be changed so that instead of having 3 1/2 inch slats with 1 1/2 inches of space between them, the fence would have 2 1/2 inch slats with 2 1/2 inches of space between them. It was agreed that a brief article should be placed in the newsletter stating that the parties had met and had reached an amicable agreement.

Rose alerted the Board to the fact that the County had gone ahead and created the Homeowner's Association Commission. Apparently the initial cost to New Mark would be \$3.00 per unit, but Judy said the Attorney General's Office was going to issue an opinion as to the legality of the fee.

The parking committee had decided not to present the issue of assigned parking at the Annual Meeting because more time was needed to properly assess and present the problem.

Rose was concerned that no one was representing New Mark at the Planning Commission meeting being held simultaneously with the Board Meeting. She knew that Tower Oaks was expecting New Mark to voice support for the proposed amendments to the Concept Plan that were necessary to accommodate Marriott. However, the Board felt that Tower Oaks was not being completely open with us in terms of what was going on with the nine acre school site and with the proposed lake, so it was decided that we did not have an obligation to appear at the Commission.

The Board expressed dismay that Rick had still not demonstrated a serious intent to clean the woods. Rose was instructed to tell him that he could either clean the woods or look for a new job. Mitch thought it would be a good idea to provide Rick with written instructions that would outline what needed to be accomplished each week.

Although the Board had decided at the last meeting that the dog defecation problem should be handled on a neighbor to neighbor basis, Rose reported that everyone in the community was riled up. The dog owners felt they were being harrassed by the police, who were issuing tickets even when a dog was just urinating on community property. Those who didn't own dogs were outraged that pooper scoopers were not being used. The Board expressed little sympathy for the dog owners, but Rose was asked to let the police know that we were concerned only about the "solid waste" problem.

Rose reported that letters had been written to Mr. Wenhold and Ms. Farrell (106 & 108 NME) offering them two choices with regard to their nonconforming roofs, but neither person had responded. It was agreed that a new letter would be sent out asking the homeowners to let the Board know in writing within two weeks which option they were going to select.

The Freed's of 4 Harlow Ct. had verbally agreed to remove their antenna but had not done so. Again, it was decided that a new letter should be sent giving them two weeks to take down the offending antenna.

Several other architectural control matters seemed to be in limbo, such as Mr. Walkington's side yard improvements which infringed on New Mark's property (326 NME) and Mike Zaruba's deck, hot tub, and fence (850 NME). It was agreed that Don Gangloff needed to be present at the next Board meeting.

Thanks were extended to outgoing Board members Steve Plotkin, Raj Gupta, and Judy Doctor for their years of excellent service to the community.

The meeting was adjourned at 9:15 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
APRIL 5, 1990

An informal meeting of the Board was held at the home of Rose Krasnow on Thursday, April 5, 1990, to discuss actions that needed to be taken with respect to the Architectural Control Committee. It was the sense of the Board that the procedures of the committee needed to be formalized and that the Board had to become more aware of the committee's actions. It was clear from the disputes that had arisen in the last year that the committee had not been responding in a timely fashion and that several applicants had been irritated by the committee's attitude. Since Raj Gupta had resigned from the committee, a new member was needed. Steve Plotkin, past President of the Board, had indicated his willingness to serve and agreed to the Board's request to serve as the new Chairman. Rose agreed to call Don Gangloff to notify him of the Board's decision. It was hoped that Don would remain a member. The Board considered increasing the size of the committee, but learned that a 3 person committee was mandated by the covenants. Nevertheless, the Board proposed appointing an alternate, so that if one person couldn't attend a meeting of the committee, the alternate could come. It was thought that the committee might meet on a regular monthly basis, but this decision was left up to the committee itself.

Rose told the Board that an educational group called "Citizens Against Crime" had called and offered to present a seminar to residents at no cost. The Board approved, pending a check of one reference.

Mitch was upset that cable wires were still exposed near his house at 180 NME. Rose thought the problem had been resolved, but she said she would call Bob Honeycutt once again.

Although letters had been sent to Paul Wenhold and Dee Farrell asking them to choose an option with respect to their roofs by the 31st of March, no answers were received. Rose agreed to call them first to see if there was a reason for the delay. If not, it was to be assumed that they were not going to agree to a settlement, and our lawyer would be called in. Since the Freeds had also not removed their antenna by the specified date, the same procedure was to be followed.

The Board agreed to change the day of the monthly meeting to the first Thursday of the month.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 3, 2990

ATTENDEES: David Melnick, Mitch Shein, David Wolfe, Howard Groedel, Rose Krasnow, Dee Farrell, Don Gangloff.

The meeting was called to order at 8:30 P.M. by David Melnick. The minutes were approved as read. The election of officers was added to the agenda.

Judy Rudolph of 830 NME had written to the Board to complain about the two benches installed on the center island near her home. She felt that the Board needed to get Architectural approval before undertaking a project of this nature. Had they done so, she would have stated her objections when asked to sign as an affected neighbor. David pointed out that the Board is charged with the task of maintaining and improving the common areas and is not subject to architectural control. The Board was actually responding to requests received from other residents of the area. David agreed to answer Ms. Rudolph's letter.

Rose alerted the Board to the fact that the cost of our umbrella liability insurance was going to jump considerably from \$1500 to \$3750. Apparently, the prior year's price had been in error because we had paid \$3600 two years ago. The Board considered raising the amount of the umbrella coverage from \$2 million to \$3 or even \$4 million, but decided against this in light of the high costs involved.

The revamped architectural control committee still was not functioning well as a group. Individual members were viewing the proposed projects on their own and relating their feelings to the applicants before reaching accord as a committee. For example, Steve had instructed Rose to reject the Flock's request for two colonial light fixtures before consulting his fellow members. The Board stressed to Don the importance of meeting together, either in person or by phone. It was suggested that the application should reflect how each member of the committee voted. Don announced that Josefina Burgos would be moving out of New Mark so a new committee member was needed. Don also suggested that we should have a standard form to send whenever someone started construction without applying for architectural control. After stating that a construction process had been observed on the property, the form would ask if the project was in compliance with the covenants.

The Board briefly discussed the issue of the non-conforming roofs at 106-108 NME but was somewhat limited by the presence of Dee Farrell, one of the roof owners. David reminded everyone that the Board never liked to sue, but that there seemed to be little excuse for failing to file an architectural control application in this case given the many reminders over the past two years.

After Ms. Farrell left, someone pointed out that it might be cheaper to change the roofs than to go to court.

Rose reported that Steve Silverman had looked at Mike Zaruba's deck and fence at 850 NME. If the Architectural Committee had not responded in the required 30 day time period, then the Board was not establishing a precedent by not requiring the Zaruba's to lower the fence. If, however, the application was handled correctly, then the Board had to worry that leaving the fence would be equivalent to approving the higher height.

The Board agreed to hire Classic Landscaping to fix the pipe between 236 and 238 NME. Rose was instructed to poll each Board member by phone if the repairs turned out to be more extensive than anticipated.

May 21st-24th had been chosen to complete the smooth sealing of the townhouse parking lots. The Board agreed that a quote should be obtained for patching the bike path along the lake in the area of the willow roots.

Residents of Don Mills Court were starting to obtain more information on the City's proposed infiltration basin and were very worried that it would be both hazardous and unattractive. The Board agreed to offer these residents support if it was needed.

The Health Department had recently informed New Mark that an operator certified to perform adult, child, and infant CPR had to be at the pool at all times. The Board voted to approve the expenditure of \$150.00 for CPR classes for pool personnel.

David Wolfe nominated Howard Groedel to serve as President. David Melnick seconded the motion. Howard said he was willing, but he anticipated that he would be moving out of the community within the next 12 months. In view of this fact, David Wolfe withdrew his nomination. Howard then nominated David Melnick. Mitch seconded the motion, which passed unanimously. David Melnick nominated Ralph Mittelberger to serve as Treasurer. After the motion was seconded by Howard, Ralph was elected by unanimous vote. It was agreed to postpone the election of a Vice-President until the next Board meeting when more members would be present.

The meeting was adjourned at 10:05.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
JUNE 7, 1990

ATTENDEES: Howard Groedel, Charles Molyneaux, Rose Krasnow, David Melnick, David Wolfe, Rick Kahn, Judy Rudolph.

The meeting was called to order at 7:35 by President David Melnick. Judy Rudolph was present at the Community Forum to voice her concerns about the benches installed in the 800 block island. While admitting that usage of the benches appeared to be minimal, she argued that they posed an attractive nuisance and that the island had become a congregating place instead of green space. Had the Board authorized that funds be spent for this project? If so, wouldn't communications be improved if a summary of the decisions made at each Board meeting were included in the newsletter? David responded that the Board had approved the expenditure and had never expected that the benches would upset anyone. Clearly, if the benches proved to be a nuisance, they would be removed. Judy's suggestion to summarize Board decisions in the newsletter was accepted as worthy of a try.

David Wolfe said that while the number of pooper scoopers in the community had increased, the area around the tennis court was still unsightly and a hazard to walkers. The Board authorized Rose to price out a sign that would read "Play area - Please curb your dog". Such a sign could be hung on the tennis court fence.

Under committee reports, it was announced that Josefina had moved so a third member of the Architectural Control Committee was needed. David Wolfe agreed to serve. Rose reported that the Committee was still having communication and administrative problems. Committee members were reaching decisions independently of one another and often conveyed conflicting answers to the applicants. In some cases Don Gangloff was writing the replies; at other times Steve Plotkin had asked asking Rose to send a response. The Board wondered why a form letter couldn't be used which would state that 1) the application had been approved or 2) the application had been approved subject to certain modifications, or 3) the application was denied. The Board agreed that Steve and Don should be asked to be present at the July Board meeting so these matters could be addressed.

Rose updated the Board on the completion of the paving work in the townhouses and on the resolution of the problems with the storm drain pipe in the 200 block. The Board agreed that cleaning the pipe annually was an essential expense if more costly repairs were to be avoided.

The non-conforming roofs at 106-108 NME were the first item to be discussed under old business. Four options were available to the Board: 1) Go to court. 2) Exercise the Board's authority to go onto the properties in question and install new roofs. 3) Go to

arbitration. 4) Do nothing. Howard moved that we offer the involved parties the opportunity to enter into binding arbitration with Montgomery County's Office of Consumer Affairs. David Melnick seconded the motion, which was approved unanimously. The Association's Attorney, Steve Silverman, would be consulted to determine how to implement this decision.

Although the City's wetland mitigation plan was rejected by the state on the basis that additional information was needed, the state had implied that they were in favor of the infiltration basin proposed for the land just south of Don Mills Court. However, the Mayor, responding to criticism received at a citizens' forum held at City Hall in May, had agreed to meet with the residents of Don Mills Court at Rose's home on the 13th of June. Rick Kahn pointed out that even though the wetland mitigation process was very new, the City had been far less than forthright with its citizens. Nevertheless, he felt New Mark's best course of action would be to insist that the basin be moved further away from an established neighborhood, rather than insisting that the basin not be built at all. David agreed to write a letter to State Delegate Mary Boergers asking for her help in getting the basin moved to a more suitable location.

Charles nominated Howard Groedel to serve as Vice President. David Wolfe seconded the motion. After some discussion concerning the possibility that Howard might move before his term had expired, the motion was approved by unanimous vote.

Rose reported that the number of people fishing in Lake New Mark had increased dramatically. In addition to the fact that the lake was posted "No Fishing", this created problems of litter and dead fish were often left on the banks. Although most of the people fishing were not New Mark residents, the Board could not come up with a quick fix to the problem. It was agreed that the Rockville Police should be asked to become more involved in enforcement of the fishing prohibition.

Following a request by Rose, David Melnick moved that the Board authorize funds for the purchase of a desktop copying machine. Howard Groedel seconded the motion, which was approved unanimously.

Bill Bolean of 1 Basildon Circle wanted to know if he could have electricity put in at the tennis courts at his own expense. The Board was concerned about the amount of trenching that might be needed, about the disruption that would be caused, and whether the work would be "up to code". Clearly, once installed, maintaining the wiring and paying for the electricity would become the Association's responsibility. A fully detailed proposal was needed from Mr. Bolean before the Board could make a decision.

The meeting was adjourned at 9:55 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, JULY 5, 1990

ATTENDEES: MITCHELL SHEIN, HOWARD GROEDEL, RICK KAHN, CHARLES MOLYNEAUX, RALPH MITTELBERGER, DAVID MELNICK, ROSE KRASNOW, STEVE PLOTKIN, PAT REBER, AL LEVIT, MARCIA PICKAR, CINDY JUNE, PAUL GRANDIN, SANDI & FRANCISCO DIAZ, CHRISTINE MOLYNEAUX, MARYSA MOYER, TED HODJAT, LINDA SILVERSMITH.

The meeting was called to order at 7:40 P.M. by President David Melnick. Several residents had come to the community forum to discuss the tennis court controversy. In May, the Board had agreed let an outside tennis pro offer individual and group lessons to New Mark residents on the New Mark Courts. No guidelines had been given to the pro, and he proceeded to set up lessons from 5:30 - 8:30 P.M. on Wednesdays and 6:30 - 8:30 P.M. on Fridays. This directly contradicted the rule (found in the back of the directory) that stated that tennis court usage should change on the hour. In addition, 80% of the lesson time was devoted to teaching groups of young children, yet the tennis court rules specifically state that adults are to have precedence over children after 4 P.M. on weekdays and until 2 P.M. on weekends. Although several parents argued that they had never used the courts before and that they were, in effect, donating their time to their children, there was a consensus that the rules should either be changed or abided by. Moreover, having so many children on the court at one time effectively prohibited anyone from using the other court at the same time. The adult tennis players who were present agreed to let the current four week session continue as scheduled since everyone had already paid and planned accordingly. They also seemed willing to let the pro use the courts for children from 4 - 5 P.M. if necessary to accomodate the fact that so many youngsters attended camp until 3 or later. The Board accepted their share of the blame for failing to exercise sufficient control over the pro, who had displayed a very possessive attitude concerning his right to use the courts whenever he pleased. Rose was instructed to write to Mike Sarff, the pro, to make it clear that all rules had to be followed for the second session. In addition, the Tennis Court rules would be laminated and posted at the courts along with the pro's teaching schedule.

Linda Silversmith reminded the Board that they had agreed to post signs when pesticides were being sprayed on the common grounds, even though we were not required to do so. Rose asked Linda to help the community obtain the little signs. She pointed out that Rick Winecoff was very concerned about the toxic nature of many weed and insect sprays and always tried to use as little as possible. Linda also wondered what had happened to the Board's efforts to control soil erosion in several areas in the community. Again, the primary problem, according to Rose, was that no one was quite certain what should be done. Even our

engineer had not given us any clear cut solutions.

Under incoming correspondence, the State Department of Natural Resources had written that they were reviewing the permit application for the construction of Ritchie Parkway through Cabin John Creek. The letter stated that anyone could ask for an informational meeting on the subject, and in light of the wetland mitigation measures that had been proposed as a result of the roadway construction, David Melnick moved that the Board should request such a hearing. Howard seconded the motion, which passed unanimously. The Board also agreed to offer the clubhouse as a possible site for the meeting. Rose then pointed out that although many residents of Hungerford-Stoneridge had written letters to the City protesting the proposed wetland mitigation measures, only two letters had been written by New Mark residents. Ralph Mittelberger volunteered to head up a New Mark wetland task force.

Architectural Control matters were the first item discussed under old business. The following points were established: 1) The committee needed to regularize its procedures, but decisions could be reached using telephone conferences in most cases. 2) The decision of the committee must be a consensus and should be transmitted to the applicant in writing. Each member of the committee should sign the letter. 3) The 30 day clock does not start until the application is actually received by the Administrator. Each applicant will be informed in writing that the application was received on such and such a date. If no such notice is received, it is up to the applicant to follow up. 4) The Committee should notify Rose of the outcome of each application. 5) Steve Plotkin is the chairman of the committee. 6) A fourth member of the committee should be chosen to serve as an alternate when one of the three standing members is not available.

Mr. Ted Hodjat of 6 Radburn Ct. was questioned concerning his interest in filling the vacancy on the Architectural Control Committee created when Josefina Burgos moved. However, since Mr. Hodjat had submitted an architectural control application that was still pending, the Board decided to postpone any decision concerning Mr. Hodjat's suitability for the position.

The property maintenance committee had completed its survey of the properties in New Mark. It was the committee's intention to send most homeowners a friendly letter that would point out the needed repairs. However, the committee wanted to send a much stronger letter to the one townhouse and the one single family house that were deemed to be in the worst condition. These letters would specify that the needed repairs had to be made or contracted for within 60 days or the Board would exercise its authority under the covenants to go ahead and have the repairs done and to assess the homeowner for the costs incurred as a result. Rose pointed out that the worst townhouse had been an eyesore for years, and that the landlord had never been

cooperative. However, since the owner of the worst house was an absentee landlord who had never been approached about the condition of his property, the Board decided to postpone sending the stronger letter for the time being. Rick Kahn pointed out that if the Community had to make the repairs itself, the matter would probably end up in Court. He thought it would be wise to alert residents to this possibility through a newsletter article. Assuming no major public outcry, the Board could then send out the letters in August. The newsletter article could also mention the types of problems being encountered along with their frequency. Mitchell asked Rose to provide him with a list of the problem properties so that he could take a look at them for himself.

Several matters concerning the pool had come up over the last month. Many of these dealt with the swim team's relationship with Pool Manager Tim Stewart. Other items concerned charging for infants, the need for guest passes, keeping track of pool usage and so forth. Because the hour was late and the subject was broad, the Board agreed to postpone the pool discussion until the August meeting. Rose was asked to draft a memo outlining some of the issues so that the Board could familiarize themselves with the matter in advance of the discussion.

The meeting was adjourned at 10:15 P.M.

MEMORANDUM

July 30, 1990

TO: New Mark Commons Board

FROM: Linda Silversmith and an ad hoc committee of swim team parents

SUBJECT: Planning for the NMC swimming pool

The NMC swimming pool is an important community asset, requiring substantial financial investment. In reviewing the situation for the pool and for the swim team, this informal committee of concerned residents came up with two major proposals to the NMC board:

1. To make the occasion of the Labor Day Sunday picnic an occasion to honor Tim and Ann Stewart for their many years of service.

The board may wish to consider giving the Stewarts at that time a lifetime nonresident membership to the pool.

2. To plan on a fresh look at the pool, making no commitments for staffing or pool management for next year until a pool committee has been appointed to evaluate options, review relationships, and report its recommendations to the NMC board.

The pool committee should include representatives of the swim team, lap swimmers, young families, and any other major users of the pool.

This same pool committee, having received good preparation during its research, could then undertake the detailed day-to-day decisionmaking that is needed, bringing any major policy decisions to the NMC board.

** BACKGROUND **

Examples of the kinds of events and topics that may need consideration are given below:

1. Currently, the swim team is the only major activity for NMC youth sponsored by the community. What is the appropriate amount of time and pool space to allot to the team? Is community financial support at the right level?
2. For two or more years, one adult resident has been allowed to swim laps during the morning swim team practice when no other lifeguard is present besides the swim team coach. Should the questions of liability and fairness that arise be decided by a single manager or by a committee of residents advising the board?
3. Should decisions on pool usage, such as swim team practice times and numbers of lap lanes, be decided by a manager, as in the past, or by management conferring with a committee of residents and using time-of-day pool usage information (which is not currently available although requested informally in May)?

4. Would the community be more appropriately served if professionally printed signs are posted at the clubhouse doors and desk explaining the policies for members and guests? And should the lifeguards on duty at the pool and on the desk have name tags or identifying signs posted?
5. Would communications among pool staff and swim team coaches and adult representatives be assisted by weekly meetings? For instance, how can we assure sufficient staffing each time for evening swim team social events that utilize the pool?
6. Besides their water skills, do lifeguards and swim team coaches need training in interactive skills? If so, who should be responsible for this training?
7. Currently, food and drink are not normally available at the pool. Should this be changed in any way?
8. The makeup and interests of community members do change. Should there be any change in regular pool hours, such as a late evening once or twice a week or early morning lap swimming?
9. Continuity and rapport on the swim team are affected by the amount of time the coaches can spend at the pool. Is there a reasonable way to combine the coaching positions with other pool staff positions so that one or both coaches can be offered a more substantial job?
10. What are the pro's and con's of using NMC youth as lifeguards? Should NMC have a policy or leave this up to the manager or management company?

* * * *

These are sample questions that we hope to have discussed during the pool evaluation process. It would be helpful to initiate the collection of time-of-day usage by having a time column added to the sign-in chart starting as soon as possible in August.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, AUGUST 2, 1990

ATTENDEES: Howard Groedel, David Melnick, Ralph Mittelberger, Rick Kahn, Charles Molyneaux, Mitch Shein, David Wolfe, Judy Rudolph, Madelyn Gupta, Linda Silversmith, Beth Fisher, Tim & Ann Stewart, Sima Osdoby, Rose Krasnow.

The meeting was called to order at 7:45 P.M. by President David Melnick. Madelyn Gupta was present to voice the fears of many New Mark parents concerning the safety of those children who walk to Julius West Middle School. When the Falls Road Interchange was constructed, the state did not signalize the continuous right turn on Falls Road as had been promised in a 1987 letter from Highway Administrator Hal Kassoff. Since the school had a meeting scheduled with highway officials on August 23rd, the principal, Jay Headman, hoped to get a show of support for the signal from the affected neighborhoods. The Board agreed that the clubhouse could be used for a community meeting on Thursday, August 9. Rose and Madelyn would work with Judy Rudolph to put together a flier. Since it was an election year, school board members and District 17 representatives would also be invited.

Under incoming correspondence, Dee Farrell had written to ask if the \$500.00 penalty suggested by the Board for her failure to apply for architectural control approval before changing the color of her roof could be negotiated to some lower amount. The matter was referred to old business. Notification was also received from the Dept. of Natural Resources concerning a meeting to be held on Thursday, August 23rd at 10 A.M. to discuss the impact of the proposed Ritchie Parkway on the existing wetlands and streams. Linda Silversmith said she would try to get the meeting moved to the evening so that concerned citizens would be able to attend.

The treasurer's report showed that only two residents had not paid the second installment of their dues. Under maintenance, Rose said she had a bid in hand to remove the brick wall by the lake and to repair the brick wall near the clubhouse. The Board felt additional bids were necessary before any decision could be made. In addition, the Board felt that the impact of removing the lake wall needed to be considered further.

Beth Fisher presented the parking committee's findings and suggestions. The members felt that the best option available was to assign only 1 parking space per unit as close to each house as possible. The remaining spaces would be open to residents and/or guests. The numbering of the spaces would not coincide with the townhouse addresses. Howard and David Melnick both voiced concerns relating to enforcement. David pointed out that enforcement was far easier in an area where parking restrictions had always been in place. Nevertheless, he felt that the report should be distributed to the community for further discussion.

Since the committee hoped that assigned parking could be implemented before the winter snow season, it was agreed that the report should be distributed in August for discussion at the September 4th Board meeting. David asked the committee to research the number of spaces available in each of the townhouse areas and to give more consideration to the best way to actually assign the spaces.

There had been no response to the newsletter article which pointed out that if the community had to undertake the maintenance on a privately owned property, the matter would probably end up in court. In view of this, the Board instructed Rose to go ahead and send out the property maintenance letters. Only the letter to 274 NME would include a 60 day time limit for either performing the repairs or, at the very least, signing a contract for the repairs.

Judy Rudolph, Sima Osdoby, and Linda Silversmith were present to discuss several matters relating to the management of the swimming pool, particularly with respect to the swim team. The team parents wanted more say regarding the hiring of the swim coaches and when to hold practices. They felt a pool committee should be formed to insure that Tim respected the community's wishes regarding the management of the pool. Tim said that when he had been hired 15 years ago, no pool manager had ever served for more than one year because they were given no freedom to manage the pool as they thought best. David Lamb, president of the pool committee at that time, told Tim that he would have the discretion to do as he wished, and that as long as no problems arose there would be no interference from the pool committee. Tim made it clear that he had no wish to be micro-managed after 15 years, particularly since there was general agreement that the pool was very well run. In order to get more information about usage, Mitch moved that the guards take a head count every hour. Ralph seconded the motion. Several Board members felt that such a count was unnecessary because Tim already knew when the peak times were. The motion was defeated by a 3-2 vote. Since it was agreed that the pool management structure would not be changed this year, and since Tim was not certain that he would be returning next year, further discussion was tabled.

The Board approved the placement of a bulletin board in the clubhouse so that New Mark residents could post notices offering their services or products. Howard moved that the pool should stay open 1 week after Labor Day. Rick seconded the motion, which passed unanimously. The issue of guest pool passes was viewed favorably, but it was agreed that the matter should be factored into the more comprehensive review of pool policies.

The meeting was adjourned at 10:10 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 6, 1990

ATTENDEES: Howard Groedel, Rick Kahn, Ralph Mittelberger, David Melnick, Mitchell Shein, David Wolfe, Rose Krasnow, Deanne Ducar, Ann Mason, Mike & Carol Miller, Judy Rudolph, Harvey Scali, Glenn & Neter Wolfe.

The community forum on the townhouse parking issue was begun at 7:55 P.M. although a quorum of the Board was not yet present. Every attendee was in favor of the idea of one assigned space per townhouse unit because 1) the current system created friction among neighbors; 2) assigned parking worked well in other communities; 3) parking problems during snow storms would be reduced; and 4) the single car owner would be assured a space near his/her home which would alleviate the need to walk through somewhat dark parking lots. Rick Kahn pointed out that assigning spaces would create some new problems. People with several cars would take up the guest spots. A vacationing friend could still leave a car in a guest spot for several weeks. Inconsiderate residents would park in a reserved spot, creating enforcement problems. The Weinsteins of 854 NME had written requesting two assigned spaces, but this idea was dropped due to a lack of spaces and the fact that some residents have no use for two spaces. The Board's decision on the matter was postponed until later in the evening.

Mike Miller requested that names and addresses of absentee owners be included in the directory.

Under incoming correspondence, the City's meeting with Homeowner Associations was scheduled for Monday, October 1. David Melnick agreed to attend. The applicability of the County's new HOA law to the City of Rockville was to be discussed at the City Council meeting to be held on September 10th. Again, David Melnick offered to represent New Mark. Steve Silverman had sent opinions concerning the Zaruba fence (852 NME) and Mr. Walkington's continued infringements on community land. Rose was asked to distribute these to the Board.

Under outgoing correspondence, Ralph had written to the state asking that a representative be sent to observe the site chosen for the Don Mills Court Infiltration Basin, since residents of the block felt that it was both wetland and woodland. The state had responded affirmatively. David agreed to get a letter out stating the community's firm opposition to the infiltration plan.

The Junes of 7 Harlow Ct. had requested that a community forum on Architectural Control be held at the October meeting. The Board said that the Junes could present their own views at the next meeting, but they pointed out that the process is always blamed whenever someone is unhappy with the decision they have received.

David M. alerted the Board to a seminar being held Saturday, September 8th by MCCCHA concerning how to change one's covenants and documents. David hoped to attend.

A memo had been sent to residents of the 800 block requesting greater cooperation in keeping the common areas looking nice. Although a suggestion was made to host a meeting in each townhouse area to acquaint the Board with area-specific problems, it was felt that this would create too great a demand on a Board member's time.

The community meeting held on August 9th concerning the Falls Road Interchange and its impact on students walking to Julius West had led to subsequent meetings with state highway and elected officials. As a result, a light prohibiting continuous right turn traffic had been installed before the start of school. Other safety concerns were still being addressed.

Issues raised during the last meeting concerning the pool had not been resolved. David Melnick was going to meet with Linda Silversmith, President of the Swim Team parents, to get the team's input. Prior to negotiating a new agreement with Tim, he would discuss any proposed changes with the Board. David did not envision a pool committee, nor did he feel that Tim should have absolute authority. David Wolfe feared that the problems the swim team hoped to solve might prove smaller than the new problems that would be created if changes were made.

Rose alerted Board members to the fact that they would be assigned to a budget committee at the next Board meeting, and that budget meetings would be held throughout October.

Under appropriation decisions, the Board approved the expenditure of funds to install a handicapped access ramp in front of 122 NME. The Board also approved the expenditure of \$900.00 for Accounting Software and technical support so that New Mark's books could be computerized as requested by the Accountant.

Once the regular meeting was adjourned, the Board met in Executive Session. Since everyone at the community forum had been in favor of assigning a parking space per unit, David Melnick urged that the Board do so as soon as possible. Rick Kahn questioned whether all the townhouse areas had to be included, but based on the opinion of our lawyer this seemed to be the most desirable course of action. It was agreed that when units had a driveway, this should be their assigned spot. The Board authorized in principal the adoption of assigned parking with the specifics to be worked out by the parking committee.

Dee Farrell had written the Board to ask if the \$500 settlement figure could be negotiated downward. The Board felt that it had been more than fair in first suggesting a settlement of \$500 (far less than the cost of changing the roof) and, when this was refused, suggesting that the matter be submitted to the Office of

Consumer Affairs for binding Arbitration. In light of the reluctance of Farrell and Wenhold to agree to either suggestion, Rose was instructed to respond that the fee was non-negotiable. The parties would be given ten days from receipt of the letter to chose either of the previous offers or the Board would pursue its legal options.

David Melnick suggested that the cost of installing ceiling fans be explored. The meeting was adjourned at 9:45 P.M.

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

P.O. BOX 4206
ROCKVILLE, MARYLAND 20850-0023
(301) 340-0288

September 23, 1990

Frank J. Bloom
7 Bentana Court
Rockville, MD 20850

Re: Architectural Control

Dear Mr. Bloom:

This is in response to your letter of September 7 concerning the applicability of architectural control covenants and procedures to your property.

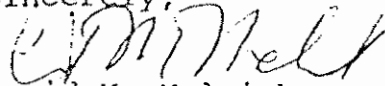
As a long-time resident of New Mark Commons, I am sure you know that the purpose of architectural control approval is to ensure that all structures and exterior modifications are in harmony as to design, color and location in relation to surrounding structures and topography. The covenant creating the architectural control committee, Article X, Section 1, clearly states that it applies in all cases except for original construction and with respect to certain fences.

We have no record of the developer, acting either as the initial board or as an architectural control committee ever reviewing or approving any plans for an expanded garage on your property. The fact that you acquired additional property from an adjoining lot so as to enable you to build the garage in no way eliminates the need for architectural review. The issues are separate.

The parking pad is an exterior modification which also falls under the jurisdiction of architectural control since it was not previously reviewed or approved as to harmony of design, etc. Since it was built without review or approval, the Architectural Control Committee and the Board reserve all legal rights they have under the covenants, and any lack of action on our part should not be construed as a waiver of those rights.

The Board and Architectural Control Committee hope to have your cooperation when you decide to commence construction of the garage. At that time, you may also wish to consult with the City of Rockville concerning setbacks and any other provisions of the zoning ordinance that may be applicable.

Sincerely,


David M. Melnick
President

cc: Board of Directors
Architectural Control Cmmte.

MARK J. WETTERHAHN, ESQ.
2 Don Mills Court
Rockville, Maryland 20850

September 25, 1990

William Kominers, Esq.
Linowes and Blocher
Tenth Floor
1010 Wayne Avenue
P. O. Box 8728
Silver Spring, Maryland 20907

Dear Bill:

Thank you for your letter of September 21, 1990. My initial reaction upon reviewing the drawings transmitted by your letter was how significant the impact of the proposed wetlands mitigation project for Tower Oaks Boulevard would be on the New Mark Commons community. I was also surprised by the number of significant questions relating to the Tower Oaks development raised by the drawings. It is my sincere hope that any concerns the community may have concerning this matter will be addressed by the Tower Oaks developer.

From my own perspective, the matter of Tower Oaks wetlands mitigation is coupled to the Don Mills court infiltration basin facility and cooperation among your client, the City of Rockville, the New Mark Commons Homes Association and interested members of the community will be necessary to resolve the infiltration basin, wetlands and related issues satisfactorily.

I believe your suggestion of an early meeting with a working group is an excellent one. I have been in contact with Ralph Mittelberger who is a member of the Board of Directors of the Homes Association to arrange such a meeting. One of us will be in contact with you shortly to set up a mutually agreeable date.

In order to focus the meeting, I have taken the liberty of preparing a list of questions that occurred to me during review

William Kominers, Esq.
September 25, 1990
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of the prints. I would think that the presence of a representative of Greenhorne & O'Mara would be necessary to adequately address the expected issues. Inasmuch as a number of the attendees may not be familiar with wetlands mitigation issues, some background briefing might be necessary.

Sincerely,



Mark J. Wetterhahn

MJW:sdd
Enclosure

MEETING QUESTIONS

1. What is the access to wetland sites (15E, 15W, 1E, 1W) for construction and maintenance purposes?
2. What barriers will be in place to prevent entry by others during and after construction?
3. What type of natural, newly planted or other barriers will be left between New Mark Common homes which back on to the proposed wetlands and Don Mills Court which is contiguous to the proposed wetlands to shield the new wetlands?
4. What is the basis for the 2:1 slope for the excavated areas for the wetlands? What type of planting will be made on the slopes? What other steps to prevent erosion will be taken? What type of maintenance is required for the slopes and who will be responsible for such maintenance?
5. What is the process for constructing the wetlands? Describe how many cubic yards of earth will be moved. Where will the excess material be placed? How long will the process take? Are there any limitations on the time of the year for

construction? What protection will be given to the existing wetlands during construction?

6. What approvals, e.g., State of Maryland, City of Rockville, are required and what is the status of the approvals?
7. What is your schedule for gaining approvals for the project and how long is the construction period?
8. Provide a copy of the General Site Plan, Wetland Mitigation, Tower Oaks Boulevard with the boundaries of the "school board property" marked. Also, mark the extent of ownership (including options) of Tower Oaks of all land north of Ritchie Parkway. Identify with as much specificity as possible the owners of adjacent properties, if known. Identify the buildings marked on the General Site Plan north of Ritchie Parkway and west of Tower Oaks Boulevard.
9. Indicate the presently planned termination of Tower Oaks Boulevard and discuss any future plans to extend it. Draw any future extension on the General Site Plan. If the "future road crossing" indicated on the map is not part of

Tower Oaks Boulevard, indicate on the General Site Plan its relation with other roads.

10. Describe any plans to continue Tower Oaks Boulevard to any existing roads such as Potomac Valley Road.
11. Describe the present zoning of all land north of Ritchie Parkway and any plans for development.
12. Describe any other planned wetland mitigation project within 1000 feet of any boundary of New Mark Commons.
13. Indicate any intent to install any bike path or other communication from Tower Oaks to New Mark Commons.
14. Discuss plans for maintenance of wetlands.
15. Discuss whether wetlands will be donated (fee simple) to the City of Rockville.



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

P.O. BOX 4206
ROCKVILLE, MARYLAND 20850-0023
(301) 340-0288

OCTOBER 2, 1990

TO: NMC BOARD MEMBERS
FROM: ROSE KRASNOW
RE: 1991 BUDGET, COMMITTEES AND TIMETABLE

Listed below are the proposed subcommittee assignments along with a recommended timetable:

OPERATIONS: David Wolfe, Howard Groedel, New Board Member

SHORT TERM CAPITAL PROJECTS: Ralph Mittelberger, Rick Kahn

LONG TERM CAPITAL PROJECTS: David Melnick, Mitch Shein

Week of October 15 - Subcommittees meet

October 24 - Deadline for submitting reports to Rose

November 1 - Discuss subcommittee reports at Board meeting

December 6 - Community Forum on the Budget
Hopefully, final budget approval.

As in past years, I will distribute preliminary budget data to each of the three subcommittees prior to the first subcommittee meeting so that members can become familiar with the issues that need to be addressed. Dates for the committee meetings should be set up at the October Board meeting. In the past, I have held each subcommittee meeting at my house so that I could attend each one without having to get a babysitter.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 4, 1990

ATTENDEES: Russ Brown, Rick Kahn, Howard Groedel, Rose Krasnow, David Melnick, Ralph Mittelberger, Mitch Shein, Cinda Silversmith, Connie Tonat, Mark Wetterhahn.

The meeting was called to order at 7:35 by President David Melnick. Connie Tonat and Russ Brown, candidates for the vacant Board position, were present at the Board's request. Both were questioned concerning their interests, backgrounds, and motivations for seeking the position. After agreeing that both candidates were highly qualified, the Board tabled the matter until later in the evening.

The minutes were approved as read. The matter of the Farrell-Wenhold roofs was added to the agenda under old business.

Under correspondence, the Board had received Frank Bloom's letter detailing why he felt Architectural Control approval was not needed for his driveway and garage expansion. David Melnick had written a response stating that the Board was unaware of any agreements Mr. Bloom might have made with the developer and that approval for any exterior project was still necessary.

Mannie Gordon had alerted the Board to the fact that the Segovia house (505 NME) was for sale and the listing sheet showed that the shed in the backyard would convey with the unit. Since the shed was illegal under New Mark's covenants, Mannie wanted to know what steps the Board could take to insure that the new owners did not keep the shed. Rose was instructed to talk to Steve Silverman. Ralph questioned whether the Board should try to bring homes back into conformity when they were on the resale market. Given today's slow real estate market, he feared that the Board's intervention might actually prevent a sale. David questioned whether latches might be involved i.e. the Board had not acted to correct the violation when it occurred so it may have lost the chance.

Under Officer & Committee Reports, David Melnick reported on several meetings he had attended. It appeared to him that the City probably would adopt the County HOA law. An information meeting on the subject was scheduled for Wednesday, October 31, and a Public Hearing on Monday, November 19. David also said that a meeting he had attended on changing covenants made it apparent that such changes were next to impossible. David felt it made far more sense to flesh out the vague guidelines contained in the covenants by adding rules and regulations.

Mark Wetterhahn updated the Board on the Tower Oaks situation. Rockville planned to put the Don Mills Court Infiltration Basin underground or abandon the idea altogether. The City had adopted a more conciliatory stance once it saw Tower Oaks' plans for the

five acres of wetland mitigation required as a result of the construction of Tower Oaks Blvd. Much of the planned mitigation would be located on the ten acre school site immediately adjacent to Farsta, Tapiola and Vallingby, causing a much greater impact on New Mark Commons than had been recognized previously. Mark was authorized to set up a small meeting with the developers on Wednesday, October 10th. Issues to be addresses would include who would ultimately be responsible for maintaining the nearby wetlands and how these plans would affect the provision in the stipulation calling for development on the school site to consist of residential homes that would be part of New Mark.

Rick Kahn moved that the parking plans drawn up by the parking committee be distributed to townhouse residents. Howard seconded the motion, which passed unanimously. The Board agreed that the parking committee could handle requests to change one's assigned space. The Board approved an expenditure of up to \$1600 to have the numbers painted on each reserved space, with the other spaces to be left blank. Signs would be posted at the entrance to the townhouses stating that only numbered spaces were reserved.

In light of Steve Silverman's legal opinions concerning Bob Walkington's continued infringement on community property and Mike Zaruba's fence, the Board determined that no additional action was necessary.

Rose told the Board that Dee Farrell and Paul Wenhold were not acting together on the matter of their nonconforming roofs. Dee had now asked if the original settlement offer of \$500 could be renegotiated to a lower amount. After some discussion, the Board reiterated that Dee and Paul should decide between the two alternatives offered to them - a \$500 settlement or binding arbitration. Otherwise, the Board would initiate legal action. Each party was to be given ten days to respond in writing to the given options.

Budget subcommittee assignments were finalized, and meeting dates were established. Rose hoped to have a proposed budget in place by the November Board meeting.

Rose said that the leak in the pool was probably caused by a broken hydrostatic valve. Poolservice Co. would be addressing the problem. Assuming that no excavation was necessary, the Board would have to decide whether to white coat the pool this fall instead of next as originally planned. This was being proposed because the pool was already drained and extensive patching of the white coat was anticipated in the Spring.

The Board unanimously agreed that Connie Tonat should be appointed as the new Board member. If another opening occurred before the end of the year, Russ Brown would be appointed.

The meeting was adjourned at 10:10 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, NOVEMBER 1, 1990

ATTENDEES: Judy Doctor, Mort & Mary Friedlander, Paul Wenhold, Dee Farrell, Howard Groedel, Rick Kahn, David Melnick, Mitch Shein, Connie Tonat, David Wolfe, Rose Krasnow.

The meeting was called to order by Vice President Howard Groedel at 7:35 P.M. Mr. & Mrs. Friedlander of 860 NME were present at the community forum because they were unhappy with their assigned parking space. Since there were enough spaces, they had originally requested that the residents from 854 - 862 NME be given two assigned spots, but the committee had turned them down, since this could not be done throughout the townhouse area. Now they were requesting that the assigned spaces be shifted so they would not have cars parked on both sides of their car. Rose explained that the committee had started with one basic assumption: when a path led from a resident's door to a parking space, the resident should be given that parking space. The Friedlander's request required altering that assumption so that the people at 858 NME and 860 NME would not have the space immediately in front of their door. Nevertheless, the Board agreed to the reassignment so that each resident would have one assigned space adjacent to a visitor space.

Judy Doctor reported on the informational meeting she had attended on October 31 concerning the County's new HOA law. The law had several sections. The first dealt with dispute resolution. The county law required that all disputes be submitted for an administrative hearing before a three person panel. Results would be binding and final but could be appealed to the circuit court. In an administrative hearing, both sides could have the advice of counsel, witnesses could be subpoenaed, and so forth. Section II dealt with physical property. The county was looking into assuming more responsibility for storm water management facilities. It also wanted to insure that all private HOA roads met at least tertiary standards. Section III concerned laws and legislation (example: bankrupt HOA's should be placed into receivership). The Commission would also serve an educational purpose - providing information similar to that provided by CAI. Judy said that the City of Rockville had already adopted the new law stating that covenants could be amended with a 51% vote of the membership, instead of 2/3's as stated in many association documents, including New Mark's. However, there would be a public hearing on November 19th to determine whether the city wanted to be part of the new HOA law. Judy pointed out that Consumer Affairs would no longer be available for dispute resolution as of January, '91. Howard moved that the Board should testify against the idea of Rockville placing itself under the new law's jurisdiction because it did not seem that New Mark stood to benefit enough to justify the initial cost of \$1200 a year. David Wolfe seconded the motion,

which passed unanimously. Howard was chosen to present the Board's testimony. The Board postponed a decision as to whether or not to join Silverman & Schild's class action law suit against the \$3.00 per unit fee until the issue of the applicability of the law in Rockville had been resolved.

Under correspondence, the Board had received a letter from Chris Hatch requesting permission to offer a Dance Aerobics class in the clubhouse two mornings a week from 9:30 -10:30 A.M. David Melnick wanted to know if our insurance would be affected. Howard wondered how many residents of New Mark would be in such a class. The Board stressed that the clubhouse was designed to be a community center, not a commercial facility. The Board agreed, however, that an article should appear in the November newsletter asking residents to notify the Board if they would be interested in an aerobics class.

Under committee reports, the overwhelming response to the property maintenance letters had been very positive and many repairs had already been undertaken. The Korbs of 274 NME had not accepted the registered letter which had been sent to them, so Rose agreed to hand deliver the letter and have a statement to that effect notarized.

The actual numbering of the assigned parking spaces was scheduled for late November. Only about 10% of New Mark's townhouse residents had requested a revision of their assigned space, and it appeared that the committee would be able to resolve most of these with little difficulty.

Under old business, Dee Farrell and Paul Wenhold were both present to discuss the issue of their roofs. Dee had walked through the community and had found at least 10 other light colored roofs. What was the Board's intention concerning these? Rose reiterated that the Board had decided two years ago to aggressively advertise and enforce the architectural control rules. The Farrell/Wenhold roofs were the first challenge to appear since that time. David Melnick summed up the Board's position. Dee and Paul had not gone through the Architectural Control process. Their roofs were found to be out of harmony with the rest of the community. The Board had offered a settlement of \$500.00 in recognition of the fact that Ms. Farrell and Mr. Wenhold obviously had not realized that a change in roof color required architectural control approval (They had submitted an application to change their decks at the same time) and because they were the first to be hurt by the Board's stricter enforcement guidelines. Paul had rejected the settlement; Dee wanted to negotiate it downward but the Board had been unwilling to do this. The Board had then offered to submit the matter to binding arbitration but had been rebuffed once again. Unless Dee and Paul had a new suggestion, the Board planned to turn the matter over to its attorney. Dee stated that she was trying to get a roofer to reroof both homes for \$1000 (equal to the settlement cost). The Board was very amenable to this approach.

Dee stated that if such a roofer could not be found, she would pay the \$500 settlement fee, but she hoped the Board could work out a payment plan.

Paul stated his position differently. As a model resident for twenty years, he was furious that the Board would seek to make him pay a settlement fee of \$500 or change the color of his roof. He was convinced that the whole issue had come up as a result of the Flocks dispute. He felt many other violations of the covenants had gone unaddressed. He was willing to change the color of his roof if it could be done for \$500; otherwise, he would see us in court.

Rick Kahn moved that we give the parties 30 days to have a contract signed or to begin payment of the settlement. David Wolfe seconded the motion, which was tabled.

Mark Wetterhahn briefed the Board on Tower-Oaks' wetland mitigation plans which called for using 3 acres of the 10 acre school site to create new wetlands. This would require removing 75,000 cubic yards of soil and regrading the land behind Farsta, Vallingby, and Tapiola. Mark delineated several issues of concern:

1) What will happen with the remaining seven acres of the school site? The stipulation New Mark reached with Tower-Oaks in 1985 specifies that the 10 acres will be developed residentially as part of New Mark. Tower Oaks has said that it will put the same number of residential units on the 7 remaining acres and will access these units via a road that would have to run immediately adjacent to 9 Don Mills Ct. Whether they could actually get approval for such a development from the planning commission seems problematical. Mark wondered whether Tower-Oaks was hoping to scare us into agreeing that the land should be rezoned commercial so that it would be accessed not through New Mark but from Tower-Oaks Blvd. Extended.

2) Would the dump trucks removing soil from the new wetlands be using New Mark's roads?

3) Who would be responsible for maintaining the wetlands? The Board agreed that Howard should testify at the city's public hearing on the wetlands on November 19th. Mark would circulate copies of the letters he was writing to the city and to Tower-Oaks' attorney, Bill Kominers, prior to the hearing.

The Board turned next to the 1991 budget. Rose pointed out that we did not need a full 6.2% increase in our dues (equal to the rise in the CPI) to cover our projected expenditures. Moreover, we had funds available in a money market account that represented monies that had accumulated from previous budgets. David Melnick moved that there be no increase in dues for 1991. Mitch seconded the motion, which passed by a vote of 5 - 1. In light of the funds available, the Board thought it wise to go ahead and do projects that might have been deferred in the past.

In discussing reserve expenditures, David Wolfe moved that we buy 50 new lounge chairs for the pool at a cost of approximately \$6,000. Howard seconded the motion, which passed unanimously. Rose was asked to obtain more information about the advisability of purchasing a pool cover.

In light of the fact that the Hungerford-Stoneridge pool was closing, the Board agreed that it would be advantageous if some of their residents joined the New Mark pool. Our pool was underutilized and the swim team definitely needed additional people. To encourage outside membership, Mitch moved that we lower the non-resident fees from \$428.00 to \$350.00. Rick Kahn seconded the motion, which passed unanimously.

The meeting was adjourned at 10:40 P.M.

**New Mark Commons Homes Association
Parking Committee**

We recommend that one parking space be assigned to each townhouse, as detailed below.

THE NEED: The ratio of parking spaces to clusters of townhouses is inconsistent: in many areas, the concentration of townhouses and/or the fact that residents own many cars result in inadequate parking for residents near their townhouses.

It is not uncommon for residents to have two and three cars each, and park all of them in the spots most convenient to their entrances, without consideration for their neighbors. In addition, some residents do not have parking spots immediately in front of their entrances. These residents park in front of other townhouses.

SECURITY: The poor lighting in many of the parking areas should be a concern to all of us. Vandalism has occurred in these areas. Many residents feel that if they could be guaranteed a space for their primary car directly in front of their entrance, they can use their porch light to illuminate the path from their house from their car, as well as the car itself. Residents have expressed concern that they do not have this protection when forced to park the equivalent of a city block away from their entrances.

CONVENIENCE: In most townhouse areas, residents arriving home after 6:00 PM on weekdays, and in general on weekends, cannot park near their houses at all. The inconvenience of carrying packages distances equivalent to a city block, or walking through rain or on icy pavement, is irritating, to say the least.

In snowy weather it is not uncommon for individuals to spend time digging out a space, only to have it "taken" by others.

HARMONY: Rose Krasnow indicates that complaints and conflicts about parking constitute a large number of calls directed to her.

Many individuals who own two, three, or more cars, prefer to take a first come, first served attitude, even if it means that three of their vehicles occupy a strip with a limited number of close-in parking spaces.

RECOMMENDATIONS:

1. That one parking space, the nearest possible to the entrance of each townhouse, be assigned to each townhouse. These spaces will be marked using a numbering system which is not related to the street addresses (for example, A1 - A99, B1 - B99, etc.).
2. All remaining spaces be marked "GUEST". These may be used by residents for their additional cars as well as for visitors. Wherever possible, guest spaces will be mixed among the assigned spaces.
3. **Enforcement:** We recommend that for the first six months, enforcement be via the encouragement of communication first directly between neighbors, followed by a letter from the Administrator. Compliance should be evaluated at the end of the first six months to determine whether stronger enforcement steps (Board action, towing, etc.) should be considered.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 6, 1990

ATTENDEES: Howard Groedel, Rick Kahn, Rose Krasnow, David Melnick, Ralph Mittelberger, Mitch Shein, David Wolfe.

The meeting was called to order by President David Melnick at 7:40 P.M. No one from the community appeared to speak at the Budget Forum. The minutes and agenda were approved as read. Under correspondence, a letter had been received from Eyal Bedrik of 158 NME explaining that he needed to keep a commercial van on the premises because he worked as the nighttime emergency technician for a locksmith. The Board agreed that the van was allowable only if the commercial markings were covered in some manner.

Two estimates had been received from contractors. Mt. Airy Electric submitted a bid of \$850 to wire the clubhouse for five fans. The Board asked Rose to get at least one more bid. Mr. Paul Lineberger submitted an estimate totalling \$1025 to do all the brick repair work near the bridge and around the clubhouse. The Board opted to accept his proposal.

The City had written a reminder that clearing snow and ice from sidewalks was the responsibility of the adjacent property owner. Rose said that Rick clears New Mark Esplanade, Welwyn Way, and Scandia but that the townhouse owners are expected to clear the sidewalks in front of their homes. It was suggested that Rose call the City to determine who was ultimately responsible for clearing the townhouse sidewalks and bikepaths.

Under committee reports, Rose said that the switch to assigned parking in the townhouse areas seemed to be going smoothly. Except for 3 complaints received the first night, no one seemed to be experiencing any problems. The Board discussed what signs, if any, needed to be posted in view of the fact that the City had not adopted the county's towing law. Silverman had agreed to send some suggestions for signage, and the City would also be consulted.

Howard briefed the Board on his testimony before the Mayor and Council on November 19th concerning both the city's wetland mitigation plans and New Mark's opposition to the idea that Rockville should adopt the County's new HOA law. The Mayor was scheduled to give instructions to staff concerning the HOA law on Monday, December 10.

Rose announced that Tim and Ann Stewart would be back in the summer of '91. The Board discussed how much autonomy Tim should be allowed to have. Rick Kahn suggested we enumerate a short list of concerns and give Tim time to respond. Most Board members felt that Tim was not adverse to making changes but had

resented the manner in which those changes had been suggested.

Under old business, the Board had received a letter from Dee Farrell stating that she could not get her roof redone for \$500, so she wanted the Board to establish a timetable for her to pay the \$500 settlement fee. David felt that the Board should withdraw the settlement offer, since it had never been fully accepted (even Dee's latest letter asked for certain considerations concerning how the money should be spent) and it made little sense to agree to a settlement with only one of the two homeowners involved. David suggested that the Board had the authority to enter upon the premises and change the two roofs after due notice to the owners. Liens could then be placed upon the homes. In this way, the roofs would be brought into conformity and neither Paul or Dee would have any immediate out-of-pocket expense. Rick Kahn was concerned that it would be difficult to withdraw the settlement at this point, but Rose pointed out that Silverman said we had no authority to impose such a settlement fee in the first place. David's idea was made into a motion, which was seconded by Ralph. The vote was 4-1-1, with David Melnick, David Wolfe, Ralph Mittelberger, and Rick Kahn voting in favor, Howard voting against, and Mitch abstaining. David Melnick agreed to write letters to both Dee and Paul after reviewing the file on the matter. He also wanted to look into the question of whether the lien could be released if only partial payment was made.

Ralph Mittelberger gave the Board a report on the community's meeting with Tower Oaks held on Tuesday, December 4th. Mayor Duncan made it clear that Don Mills Court was not designed to handle the bigger road suggested by Tower Oaks as an access route to residential housing on what remained of the ten acre school site. Everyone seemed to agree, therefore, that Section 10 of the original stipulation with Westmont should become null and void. Tower Oaks agreed to come up with plans for accessing the area from either Potomac Valley Road or from Tower Oaks Blvd. Extended.

David Wolfe moved that the budget for 1991 be accepted as presented. Rick Kahn seconded the motion, which passed unanimously.

Under new business, Mitch asked Rose to look into the dumping occurring in New Mark's woods along Monroe Street. He also hoped the chain link fence along Monroe could be repaired. David Wolfe pointed out that one of the fence posts behind 3 Lakeside Overlook was in need of repair. (New Mark had to install the fence when the 100 block wall was repaired.) David Melnick asked that the drainage culvert behind 516 NME be cleared of leaves and debris to prevent future flooding.

The meeting was adjourned at 9:45 P.M.