

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
JANUARY 7, 1993

ATTENDEES: Geoff Becker, Russ Brown, Susan Klise, Rose Krasnow, Mitch Shein, and Neil Stein.

The meeting was called to order by President Geoff Becker at 7:40 P.M. No one was present at the community forum. The following items were covered in the Administrator's Report.

1) Cable TV had torn up the community 3 times in 3 months to lay new cable, and had done a particularly poor job this last time. Rose had contacted both the County Cable Office and the Director of Consumer Affairs for the Cable company, who promised to repair the damage done by January 15.

2) Conversations were continuing with both the Engineer and Busy Ditch concerning the steps that could be taken to make the erosion project behind the dam work more successfully. Some suggestions included using much heavier rocks on the 5 dams; replacing the rocks with gabion baskets, rip-rapping the entire channel, and reconfiguring the dry well near Monroe Street to ensure that the runoff was going through the underground pipe.

3) Rick's health insurance rates for 1993 had increased from \$5100/year to \$5612, an increase of 10%.

4) Over the holidays, New Mark was plagued by vandalism and thievery in the 200-300 block of the townhouses. In addition, there was a major water main break in the 800 block, and Rick found that the shop walls were riddled with termites.

5) The dance teacher who had been offering classes on Wednesday and Thursdays left to take a part in an off-Broadway show. Assuming that classes would now only be offered on Tuesday, Rose pointed out that our Clubhouse income would drop considerably.

6) Because it appeared that people were once again living in the silver trailer in the Clubhouse parking lot, Rose contacted the City's Inspections Dept. A citation and \$100 fine were issued. The owners, at 2 Lakeside Overlook, were also cited for having an illegal truck in their driveway and an unregistered car in the street in front of their home.

The minutes and agenda were approved as read.

Under correspondence, the Board was invited to attend the City Council meeting on Monday, January 11, to learn about the new plans for Downtown Rockville. An invitation to attend a meeting with our state legislators to become familiar with impending legislation that could affect HOA's was also received. Under outgoing correspondence, Rose reported that the letter to the Mayor and Council concerning recognition of Lake New Mark as part of the City's stormwater management system had been sent. To date, the City had not uncovered any documentation concerning the original approval given to the lake when it was built. Rose had also sent a letter to the owner of 611 Monroe St., asking him to refrain from dumping yard waste on our property. A letter to Neil Potter

Geoff Becker wondered about the overall ACC policy for New Mark. Why did violations occur so regularly? How much authority should the ACC have? Once David Melnick resigned, who would we find to replace him? Should the Board only go after violations brought to its attention or should it actively look for violations? Rose pointed out that the fact that the ACC policy had been applied somewhat loosely over the years made the Board's job tougher, but probably made residents feel a little happier with their community since a "Police State" mentality was avoided. It was suggested, however, that the Board hold a special meeting to look into these problems more thoroughly.

In order to ensure that action could be taken quickly with respect to the Clubhouse parking lot, Russ moved that the new parking guidelines be published as final in the January newsletter. If many objections were then forthcoming from residents, the policy could always be amended. Susan seconded the motion, which passed unanimously.

Under new business, Rose asked how much we should charge for ads in the Directory, whether we only wanted full page ads, whether we only wanted to cover our costs or to make a profit, and whether New Mark residents should be given priority concerning placement on the back page and so forth. The Board suggested that Rose check with other associations or with an advertising professional.

Mitch was commended for the lovely fire he had kept going in the fireplace throughout the entire evening.

The meeting adjourned at 9:50 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 4, 1993

ATTENDEES: Geoff Becker, Russ Brown, Mercia Decker, Susan Klise, Rose Krasnow, Mitch Shein, Neil Stein, David Wolfe, Linda Silversmith.

The meeting was called to order at 7:35 P.M. by President Geoff Becker. Several correspondence items were included in the Administrator's Report.

1) In response to our letter opposing jail expansion, the County said that the decision had been postponed for a year.

2) Letters written in response to an inquiry from our auditor asking whether any litigation was pending that might substantially impact our financial condition had been received from both Silverman & Van Grack.

3) A note from Montgomery Mutual reiterated their position that if boating and fishing were allowed in New Mark, "the increase in exposure regarding the lake is one in which we are not a market for". Rose reported that she had spoken to Engle-Hambright & Davies about obtaining insurance through an HOA program written with Continental Insurance. It appeared that their rates would probably be competitive with Montgomery Mutual and they were an A rated company. In addition, our current agent with Martin T. McAdam and Associates was looking into possible coverage with a different company.

4) Allen Terhaar had written to ask whether the reserve fund was in fact necessary.

Simone Joseph had requested that a fence be installed behind the playground area to prevent the possibility of children falling down the hill leading to the Clubhouse Parking lot. The Board agreed that either a fence or dense shrubbery was needed. Rose and Susan Klise agreed to work with Rick to find the best way to deal with this problem.

Rose had met with two new engineers regarding the problems with the erosion project behind the dam and was very favorably impressed with the proposal put forth by Vince Berg. Mr. Berg had a great deal of stormwater management expertise, his prices were reasonable (\$40.00/hour), and he also said that there was a way to repair the path along the lake without removing the willows. The Board felt he could help with the lake dredging as well. Neil moved that we hire Vince Berg. David seconded the motion, which passed unanimously.

Geoff Becker had received a letter from the City concerning the new proposals for the redevelopment of downtown. He felt the Board should be aware that there could be a traffic impact on New Mark Commons. Geoff also said that the Brownie Troop which had been meeting in the Clubhouse was planning to do a spring clean-up of the community as their way of saying thanks.

The minutes and agenda were approved as read. Linda Silversmith, Chairperson of the Landscape Committee, said that quotes received for maintaining the front island varied. Twice yearly maintenance would cost about \$215 without mulch or \$280 with mulch. 3 times a year would cost \$310 without mulch or \$385.00 with mulch. The Committee also thought we should probably get professional maintenance for the 200 block island as well. Twice yearly maintenance would cost \$175; 3 times a year would cost \$238.00 (without mulch). Rose pointed out that even three times a year would not really keep all the weeds away. Linda felt that if Rick's time were scheduled properly, our staff should be able to help with the additional maintenance that would be needed. If we were unable to get or keep our part-time help, that money could be used to hire outside landscapers. Linda also said that the committee had been taking walks over the past several Saturdays to assess other maintenance needs throughout the community, including the single family circles. Russ asked that the Harlow Ct. path be put on the schedule and Mercia asked about redoing the back entrance circle on Potomac Valley.

Treasurer Susan Klise reported that no action had been taken as of yet to change our investment mix for several reasons. Rates on T-bills were so low that little would be gained over current money market rates. Since it looked like dredging would be postponed for a year, it might be possible to look into longer investment vehicles. Finally, our Accountant had pointed out that when the Board set up the Reserve Fund originally, the decision had been made that all investments should be government insured. The sense of the Board was that we were not trying to make money, but that it was important to guarantee the principle. Mercia felt that we should put the Board's investment strategy in writing. In the meantime, she moved that we invest in short-term T-Bills going out not more than 3 months. Neil seconded the motion, which passed unanimously. Rose reported that as of February 1, approximately 90 people still had not paid their dues. She said this was a typical figure and that most would probably come in by February 15th.

Mercia briefed the Board on the last Lake Committee meeting. Little new had been learned regarding dredging the lake. The committee members wondered if a partial dredge might be possible. Mercia said she had a letter verifying the state's approval of the construction of our lake which dated back to 1966. Geoff said that Jim Bullard recalled that Bennett had agreed to replace swampland in the New Mark tract with a lake which would provide stormwater management. Rose reported that the City was giving serious consideration to our request to make the lake an official part of the City's stormwater management system. Geoff distributed the Committee's proposal regarding recreational uses. He asked the Board to approve the draft so it could be published in the February newsletter for comment. Neil said he was opposed to all of the recommendations but was appreciative of the fact that homeowners on the lake seemed to want fishing and boating. There was a great deal of discussion as to whether only New Mark residents should be allowed to fish in the lake. Further discussion was tabled until

the end of the meeting.

Rose reported that all five tanks could be replaced at the pool for \$5790. Repair and replacement of media would cost at least \$2670 and could go higher depending on the number of repairs that were needed. The Board opted to go with new tanks.

Rose reported on the unsuccessful outcome of the mediation with Azarmi-Por. The parties were preparing to go to trial on March 31st. ACC applications dating back to 1989 had been requested by Mr. Azarmi's lawyer. He also wanted a deposition from one New Mark official, and it was agreed that Rose would be the best person. The Board also authorized, at Jeff Van Grack's request, that funds be made available to hire an expert witness and to put together a video which would show the architectural character of the community. The Board wanted Jeff to give us some estimate of the costs we could expect to incur from this point on.

Rose reported that the Tower-Oaks wetland mitigation plan had been rejected by the state because too many trees would be cut down. Tower Oaks had revised the plans and wanted to present them to the community at a meeting on Thursday, February 11, at 7:30 at the Clubhouse. Residents of Vallingby, Scandia, Tapiola, Farsta and Don Mills Ct. would be notified about the meeting.

After Rose left at 9:30 because she was not feeling well, Geoff asked for ideas on how to increase attendance at the Annual Meeting. Mercia suggested that Mayor Duncan would be a good guest speaker, particularly in view of the new town center plans. Neil suggested that offering a door prize of 50% off your annual dues for one year would be a strong incentive. After some discussion, the Board decided that if it was legal, a door prize of 25% off the annual dues would be awarded to someone who was actually present at the meeting.

The Board returned to the issue of recreational uses of the lake. A straw vote was taken on the following:

- 1) Swimming: Opposed by everyone on the Board
- 2) Skating: 6 - 1 Against.
- 3) Boating: 6 - 1 in favor.
- 4) Fishing: 3 in favor, 2 against, 2 abstain.
- 5) Residency: 4 in favor, 2 against, 1 abstention.

Geoff suggested that the guidelines be published in the February newsletter for comment at the Annual Meeting. The Board could take these comments into account before voting at the following meeting.

Under new business, Mercia mentioned that it is getting very difficult to exit from New Mark Esplanade onto Maryland. Russ said that he did not really see anything that could be done to improve the situation.

The meeting adjourned at 9:45 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 4, 1993

ATTENDEES: Barbara Cano, Billie Jordan, Mimi Senold, Linda Silversmith, Mark Wetterhahn, Geoff Becker, Russ Brown, Mercia Decker, Susan Klise, Rose Krasnow, Mitch Shein, Neil Stein, and David Wolfe.

The meeting was called to order at 7:35 P.M. by President Geoff Becker. Barbara Cano of 12 Lakeside Overlook read a statement prepared by her husband, Craig, asking New Mark to get actively involved in the new town center plan. Three issues were stressed: 1) The type of development New Mark would prefer to see downtown 2) the traffic impacts, particularly on Maryland Avenue and 3) the lack of adequate public gathering spaces for the City's festivals and concerts. Geoff replied that the Board had not really looked at the downtown plan yet, but that Mayor Duncan would be at New Mark's Annual Meeting to explain the plan in more detail. He suggested we prepare testimony after that time, but Rose pointed out that the record was only open until March 23rd. Mercia feared that such a large-scale project would cause an increase in our property taxes. It was agreed that the issue would be placed on the evening's agenda for further discussion.

In her Administrator's report, Rose said that two residents, Karl Kniel and Diana Wong, had both passed away recently due to cancer. In addition, a pine tree on the Esplanade had fallen on top of a car being driven by Christine Molyneaux of 1 Don Mills Ct. Fortunately, despite major damage to the vehicle, Christine was uninjured. The City claimed responsibility for the tree and had it removed. Rose also reported that Rick had missed several days of work because he was suffering from a muscular disorder. Since his prognosis was uncertain, Rose felt that contingency plans should be made to ensure that lawn maintenance would get done once the spring growing season began. Susan and Mercia agreed to work with Rose on this matter. Finally, Rose wanted the Board to authorize the \$1600 in repairs required by the two lake fountains. Although concerned about the high cost, the Board approved the repairs since it would cost more than \$8000 to replace the fountains.

Under correspondence, Rick Kahn had written to object to the Board's letter concerning expansion of the jail. He felt it was inflammatory and scared our residents needlessly. After some discussion, the Board still felt that its position was justified. Rose agreed to send Rick a note thanking him for his opinion and encouraging him to send his views to the County Executive. Jeff Van Grack's law firm was holding a seminar for HOA's on Saturday, March 13, and had invited up to three of our Board members at no cost. Geoff Becker agreed to attend.

Two changes were made to the minutes of the prior meeting. With respect to the difficulty faced by drivers when trying to get onto Maryland Avenue from New Mark Esplanade, Russ said it had been his

position that we should look into putting a light there, as suggested by Neil. He also proposed that this topic should become an agenda item. Geoff said that with respect to the straw votes taken on the lake issues, the minutes should be clarified with respect to the vote on residency requirements. 4 persons felt that non-residents should be allowed to fish; 2 felt fishing should be allowed for residents only. The Tower Oaks discussion was moved up on the agenda, so that Mark could brief the board and leave. The Town Center issue was added to the agenda under "Discussion of Annual Meeting Agenda".

Mark briefed the Board on the points of contention with respect to Tower Oaks revised wetland mitigation plans. These included the following:

- 1) Requiring a buffer surrounding the entire infiltration basin now that no wetlands would be built to the south.
- 2) Hold firm on the timing issue, i.e. insist that Tower Oaks get an extension so that the wetlands would be created in the fall, not the Spring.
- 3) Insure that no permanent entrance or egress to any Tower Oaks development takes place from New Mark Commons.
- 4) Insure that all areas currently designated as wetlands remain so designated in the future.
- 5) Insure that all construction traffic will enter and leave the mitigation sites from the south, not through Don Mills Court.
- 6) Designate the additional 120 feet area left behind by the relocation of Wetland Area 1 as a buffer to ensure that nothing will ever be built on this portion of the property.
- 7) Determine what will prevent the spoils area from becoming an attractive nuisance.
- 8) Determine whether Tower Oaks plans to maintain the stream enhancements are sufficient.

Mark explained that the original agreement would have to be rewritten in light of the new wetland plans. The Board actually felt that Mark's letter to Tower Oaks needed to be firmer. Mercia wanted to know if the agreement had the force of law behind it. Mark felt that it did but pointed out that it would be costly to seek relief from the courts. Mark agreed to strengthen the language of the letter and to make it clear that Tower Oaks should seek an extension. Russ moved that we accept the letter once it was modified as requested. Susan seconded the motion, which passed unanimously.

Linda Silversmith, Chairperson of the Landscape Committee, presented a map keyed to pictures which highlighted her committee's recommendations. She urged the Board to study the committee's proposals for scheduling regular maintenance of identified problem areas and seeking additional input from residents. She said the pictures would be kept at Billie Jordan's house, where they could be viewed by members of the Board. Mercia thanked the committee for all of their hard work.

Susan Klise presented recommendations to the Board concerning the investment of our Reserves. She recommended that we roll over the CD which matured on February 26th for another year. In addition, she recommended we purchase a 6 month CD in the amount of \$85,000 because CD's were yielding slightly more than short-term treasuries. Neil wanted to know how we would decide where to purchase the CD. There was a general feeling that a Rockville bank with a strong financial footing should be used. Geoff moved that the recommendation be accepted. David Wolfe seconded the motion, which passed unanimously. Rose pointed out that we still might do well to solicit a Professional Reserve Analysis. Mercia moved that we seek bids for such an analysis. Neil seconded the motion, which passed unanimously.

Mercia reported that the Lake Committee had not met because it was waiting to hear from our new engineer, Vince Berg. Rose said that Mr. Berg wanted to complete work on the unsuccessful erosion project behind the dam before addressing the lake. Geoff asked if we had received any proposals from insurance companies that would be willing to provide insurance if recreational uses were allowed. Rose said that our agent was shopping around for such proposals.

With respect to cars parking in the Clubhouse parking lot for prolonged periods of time, Russ moved that we look in to the state's laws regarding the towing of licensed vehicles before we attempt to have any of them moved. He further proposed that we seek the advice of our attorney. David seconded the motion, which passed unanimously.

After much discussion, it was agreed that the Mayor should speak at the Annual meeting before the Lake issues were addressed. The agenda was established as follows: 1) Notice of Quorum 2) Introduction of Board 3) President's Report 4) Presentation by Mayor Duncan 5) Lake Discussion 6) Landscape Committee report 7) Election of Officers 8) Open discussion of issues of concern to residents 9) Drawing for Door Prize, and 10) Refreshments. Neil moved that a \$50.00 gift certificate to a local restaurant be purchased as the door prize. Geoff seconded the motion, which passed unanimously. It was agreed that you had to be present at the time the drawing took place in order to win.

The Board postponed the discussion of allowing Park Street Learning Center to use our pool for its daycare students. With respect to the new Town Center Plan, Geoff offered to draft a letter expressing the Board's concerns. If approved by the rest of the Board, it would be submitted before the record was closed on March 23.

Neil moved that the meeting be continued in Executive Session to discuss legal ACC matters. Susan seconded the motion, which passed unanimously.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, APRIL 1, 1993

ATTENDEES: Joan Gray, Bob Schreiber, Wini Herrmann, Helen Reed, Linda Silversmith, Mark Wetterhahn, Geoff Becker, Mercia Decker, Neil Stein, David Wolfe, Rose Krasnow.

The meeting was called to order at 7:35 P.M. by President Geoff Becker. Joan Gray had brought cabinet samples and explained her kitchen plans to the Board. The Board felt that we should solicit additional bids. Susan Klise agreed to do this.

Linda Silversmith presented the findings and recommendations of the Landscape Committee. She stressed that not undertaking maintenance on a regularly scheduled basis was probably more costly in the long run. She suggested that the committee set up meetings within each neighborhood to put forth plans and solicit input, however, she needed to know if funds would be available in the budget to implement anything this year. Geoff said that the neighborhood meetings sounded like a good idea, but he felt that money could indeed be a problem given the uncertain situation with respect to Rick. Neil said that he felt that the community should not spend money to maintain the circles on the single family streets, but Rose pointed out that this was done to help balance out slightly the large sums spent on the townhouse areas. Mercia suggested that, as we had done with the lake, we needed to develop a community "philosophy" regarding grounds maintenance. Clearly, some things were more important than others, and it made sense to focus on areas, such as the entrances, where many people would be affected by their appearance. Linda pointed out that the committee members did not feel that they were the ones who should actually be doing the maintenance. Geoff moved that, using Rick's job description as a base, we develop an RFP for needed landscaping services. Mercia seconded the motion, which passed unanimously. In view of the fact that Rose was about to leave on a week's vacation, Mercia agreed to make sure that the RFP was written and sent out to contractors within the next ten days. In the interim, Rose was authorized to take whatever steps were necessary to insure that someone would be mowing the grass during the month of April.

Mark Wetterhahn told the Board that Tower-Oaks hoped to start work on the wetlands on Monday, April 5th, even though NMC still had not reached a satisfactory agreement with them. Points of contention included that fact that Tower Oaks wanted to allow one house to be built on Don Mills Court and that the buffer around the infiltration basin was not sufficiently large. Mark understood that the Board did not really want to enter litigation against Tower Oaks, so he offered to write a letter as an individual outlining his objections to the proposed amended agreement. Geoff said that in light of all that Mark had done on this matter on the community's behalf, the Board should be willing to back him up at this point. He moved that we co-sign Mark's letter. Neil seconded the motion, which passed unanimously.

In her administrator's report, Rose reported that the police had begun covert surveillance of 2 Lakeside Overlook because drug activity was suspected. She said that complaints had been received about the new owners at 5 Tapiola who had cut down 3 trees without permission and had hung a decorative flag. The Board felt that nothing could be done about the flag, but they felt a letter should be sent immediately notifying the new owners that our covenants did not allow the removal of hardwood trees without permission. Regarding the situation with Rick, Rose said that since it was clear that he would not be doing the moving, three alternatives presented themselves: 1) Rick could work about ten hours a week to get the miscellaneous jobs done (trash removal, lake cleaning, etc.) while the other 30 hours a week would accrue as sick leave; 2) Rick could be put entirely on sick leave and someone else could be hired to do the miscellaneous work, and 3) Rick could be laid off for not being able to perform his scheduled duties. It was agreed that Rose and Geoff should sit down with Rick to discuss these options.

The minutes and agenda were approved. Geoff read a letter from Russ Brown in which he announced that he was resigning from the Board. Mercia said she had talked to Russ, and it was her opinion that he was resigning over what he viewed as an inequitable application of our covenants. Neil suggested that we should keep the Board at a smaller size. Mercia pointed out that an even number of members could be a problem, since tie votes could result. Geoff felt that seven members brought a broader perspective to the issues than would five. He moved that Rose bring 2 to 3 names to the next meeting for consideration by the Board. David seconded the motion, which passed by a vote of 3 - 1, with Neil opposed.

The Board discussed whether our insurance coverage should be continued with Montgomery Mutual or switched to Continental. While it was true that Continental was considerably cheaper, their A-rating caused great concern. Montgomery Mutual had an A+ rating. Moreover, we had always received excellent service from our agent, Martin T. McAdams, and their office was just around the corner. There had not been time to check out the references of Engle-Hambright, and Davies and their closest office was in Pennsylvania. The biggest objection to our current coverage was that Montgomery Mutual was unwilling to cover us if we initiated recreational use of the lake. Neil moved that we stay with Montgomery Mutual. Susan Klise seconded the motion, which passed by a vote of 3 - 1, with Mercia opposed.

The Board postponed a discussion of whether to obtain a professional reserve analysis. David Wolfe agreed to talk to Susan Straus concerning the City's request to use the Clubhouse parking lot as a storage area during construction of the infiltration basin on Don Mills Ct.

Geoff said that Board members should review his testimony to the City regarding the new downtown development. If no comments were received by April 15, he would go ahead and send it in.

Mercia said that she would like to see a light installed at New Mark Esplanade and Maryland Avenue that would be synchronized with the light at Argyle.

The Board discussed the proposal by Park Street Learning Center to use our pool between 12:30 and 2:30 Monday through Friday for approximately 20 of their students. David moved that we reject the proposal. Neil seconded that motion, which passed unanimously.

The meeting was continued in Executive Session.

NEW MARK COMMONS HOMES ASSOCIATION
EXECUTIVE SESSION
THURSDAY, APRIL 1, 1993

The Board met in Executive Session beginning at 11:00 P.M. to discuss two outstanding ACC matters. Rose reported that the Azarmi-Por case, originally scheduled for Wednesday, March 31st, had been postponed until April 26th due to the unavailability of a judge. Unfortunately, it had been necessary for Rose and Jeff Van Grack to spend several useless hours at the courthouse waiting for some word as to whether or not the case would get on the docket as originally scheduled.

With respect to the June basketball issue, Neil Stein moved that we initiate action to take the Junes to court. There was no second for the motion. Further discussion of the June matter was postponed until the Azarmi-Por case had been resolved.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
TUESDAY, APRIL 27, 1993

ATTENDEES: Geoff Becker, Mercia Decker, Lynn Kaelber, Susan Klise, David Wolfe, Rose Krasnow.

An emergency meeting of the Board was held to choose a landscape contractor and to discuss the changing situation with respect to Rick's employment status. The meeting was called to order at 8:00 P.M. by President Geoff Becker. Rose reported that Rick had gotten in touch with the Fibromyalgia Support Group of Virginia and had learned that an expert in the disease was a doctor in Rockville. Rose actually knew the doctor, Russell Rothenberg, because he had once lived in New Mark Commons. In response to Rose's inquiry, Dr. Rothenberg had agreed to see Rick, and the diagnosis of Fibromyalgia was confirmed. The \$200.00 cost of the 2nd opinion had been paid by NMC.

Rose said that Rick had informed her on the morning of the 27th that he planned to resign his position. The Board wanted to know if Rick could come back at a later time and claim that this was a workman's compensation matter. Lynn wondered if we could continue to employ Rick as a part-timer or as a consultant, but Neil pointed out that we couldn't really pay him sick leave and consultant fees simultaneously. Rose said that our accountant had suggested that if the Board agreed to pay Rick his accumulated sick leave, it should be done on a monthly basis to spread out the financial impact. Neil said he would prefer to pay Rick in a lump-sum. At the suggestion of Mercia, Susan Klise left the meeting to phone former Board President David Melnick, an attorney who specializes in employment law. David said that we would need a termination agreement in which both parties agreed that Rick's departure had been of his own volition. It would include a release from any future claims against the association. David said that under COBRA, Rick would be eligible for health benefits for 18 months at his own expense. He said that we could choose to pay out his sick leave however we wished. After additional discussion, David moved that we accept Rick's resignation, if he was willing to submit it in writing. Susan seconded the motion, which passed unanimously. The Board then agreed to hire David at a cost of \$300.00 to \$400.00 to draft a termination agreement.

The Board then discussed the landscaping contracts that had been received. Rose suggested that the least and the most expensive proposals be dropped. The least expensive proposal was from C&B Landscaping. Rose had hired them to do a single mowing before any contracts were signed and had found their work to be unsatisfactory, because they did not come when they said they would and it took them much longer to complete the job than they had stated. Two proposals from Lawn-Wright & T&J Lawn Services both seemed viable. Both had excellent references. T&J had equipment in varied sizes, which would be a help in New Mark. T & J was more expensive, but they were going to do much more than cut grass and

edge; their proposal included weeding, mulching, fertilizing, spraying, and leaf removal. The Board agreed to use T&J. The Board wanted to know if we could save a little money if the number of edgings was dropped from 6 to no more than 4. The Board was also concerned about the use of fertilizer and weed control, particularly given the ecological sensitivity of the lake. Rose pointed out that she received many complaints about the grass because it had become so full of weeds over the years. Neil moved that we accept T&J's proposal as written. David Wolfe seconded the motion, which failed on a 3 - 3 vote. Lynn, Geoff, and Susan voted no. Rose expressed some concern that T&J might not be willing to accept the modified contract, however, she agreed to discuss our environmental concerns with them to see if was possible to use fewer chemicals or chemicals that were more environmentally sound.

The Board began discussing who would provide other needed maintenance duties in New Mark, but given the lateness of the hour, Rose offered to prepare a memo outlining a scope of work that could then be discussed at the May Board meeting.

The meeting was adjourned at 10:35 P.M.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 6, 1993

ATTENDEES: Jim Denny, Jennifer & Scott Liddle, Judy Rudolph, Linda Silversmith, Chuck Montrie, Geoff Becker, Mercia Decker, Lynn Kaelber, Susan Klise, Rose Krasnow, David Wolfe.

The meeting was called to order at 8:05 P.M. by President Geoff Becker. The Liddle's of 18 Watchwater Way were present to discuss their plans to build a rear, ground level deck with an octagonal overlay. The ACC had approved the application, over the objections of their neighbors at 19 Watchwater, the Stimlers. David Melnick had written to the Stimler's to explain the ACC decision, but they had still said they planned to bring their complaint to the Board. In fact, the Stimler's did not come to the Board meeting but dropped off a letter with Geoff prior to the meeting. The Liddles pointed out that the octagonal shape had been chosen to save the existing trees. The deck was 15 feet away from the property line and another 15 feet away from the Stimler's house, and there was extensive shrubbery inbetween. They had invited the Stimler's over to discuss the matter, but the Stimlers had declined. The Board saw no reason to overrule the decision of the ACC. Geoff agreed to send a letter to the Stimlers informing them of the Board's decision. For their part, the Liddles pointed out that they would not build the deck until next year and that additional bushes would be added at that time to increase privacy. The Liddles were reminded that the approval of their application was good for one year only.

Judy Rudolph of 830 NME was present to voice her concerns over the appearance of the 800 block in general. She said than an appraiser had recently told her than the 800 block appraised much lower than the other townhouse areas in New Mark. Judy felt this was due to several outstanding architectural violations (usually either non-conforming doors or light fixtures), poor landscape maintenance, and a higher number of rental properties. She felt the community had a responsibility to protect her property values. Mercia pointed out that the community was working with the landscape committee to get a better handle on their responsibilities concerning grounds maintenance. Geoff pointed out that the Property Maintenance Committee would once again be surveying the community and would ask owners to address those items that needed attention. Mercia suggested that we might compile a list of standards (How often to paint, how often to clean gutters, etc.) that could be published to benefit community members. She also suggested sending a special letter to absentee owners to make them aware of the need to maintain their property. Rose felt that a meeting of the landscape committee in the 800 block could be tied in to a property maintenance meeting as well.

Chuck Montrie, of Bethesda Aquatics, was present to update the Board about the opening of the pool. Inspection was scheduled for May 17th, and the new diving board was on-site but needed to be

installed. Two of last year's guards, Ann Rawson and Kristen, would not be returning. Kristen had been assigned to another pool at NMC's request. Sara Gephardt and Brittany Fritz were the new guards. Chuck stressed that he was still trying to increase the utilization of the pool, and he once again raised the possibility of selling ice cream and adding a ping pong table. Mercia felt that the Board needed to define its target for usage of the pool. Did the Board want to attract more children? Given the number of dollars invested in the pool, should we try to get most of the community to use it. She moved that we try both the ping pong table and ice cream on a one month trial basis. Geoff suggested that the matters be voted on separately. Mercia then moved that we try selling ice cream for 1 month with the proviso that it would be removed after 1 month if it did not work out. Lynn seconded the motion, which passed by a vote of 3 - 2. Mercia then moved that a ping pong table be tried for one month. The motion, which was seconded by Lynn, failed by a vote of 2 - 3. Lynn Kaelber was selected to serve as the Board's pool liaison. Chuck said that he would like to hold a picnic at the pool on either May 22 or May 23 for the Board to give them a chance to meet the pool staff. The Board delayed selecting a final date until it could be determined which date was better for Rose (Rose had departed the meeting earlier to attend to a family medical emergency). It was agreed that the picnic should be tied into a Board walk through of the community.

Linda Silversmith suggested to the Board that a letter be sent to each resident that would include a copy of that portion of the landscape survey that pertained to them. The letter recommended that area meetings be held so that residents could provide their input into what was needed in terms of maintenance and plantings. Linda hoped such meetings would increase community spirit and might even help the Board address property maintenance problems, such as those in the 800 block. The Board suggested that it might be wise to send the letter to only a few select areas rather than the whole community to get some idea of the response that could be expected. Linda planned to ask for volunteers to work one hour each month to help keep the front island weeded. She wondered if the landscape committee could appoint a liaison to work with T&J Lawn Services.

Jim Denny introduced himself, and said he was interested in doing the other maintenance work that T&J had not been contracted to do. Geoff thanked him for coming and gave him a copy of the property maintenance memo outlining the scope of work that would be expected from the person eventually hired by the Board.

Rick's letter of resignation had been received, effective April 30, 1993. The Board discussed a draft termination agreement prepared by David Melnick. After some debate, the Board agreed that it was O.K. to pay Rick on a bi-weekly basis, as long as it was clear that his employment had been terminated as of April 30th and that this was simply a bi-weekly payout of a lump sum payment. The Board also learned that Rick's insurance policy was an individual policy in

his name. It would remain in effect as long as Rick continued to make the payments once New Mark's payments stopped. COBRA did not apply in this case. Susan agreed to ask David if we could continue to pay for his insurance for a short time after his resignation date as part of our termination package.

Rose returned to the meeting and reported on the successful outcome of the Azarmi-Por case, which had been concluded that afternoon. She agreed to get the judge's opinion transcribed so the Board could read it. Van Grack had agreed to write an article about the case for our newsletter.

Under new business, Rose recounted the ongoing saga of the oak tree behind 284 NME. The owners of 284, Mr. & Mrs. Ronald Moyer, wanted the tree removed because it dropped considerable debris on their deck. The tree, located on the common grounds, was very large but it appeared to be in good health. Our tree contractor had given us an estimate of \$600.00 to have the tree removed, but he felt it would be better to only cut off the one large section closest to the house. Rose sought the Board's input, suggesting that the Moyer's be given permission to remove the tree at their own expense. The matter was tabled to allow Board members time to look at the tree on their own.

The Board asked Mercia and Rose to follow up with the hiring of a part-time maintenance person. Jim Denny and Bill Shea both appeared to be qualified candidates.

Geoff Becker asked that a new vote be taken with respect to the use of fertilizers and herbicides. Rose had spoken to Linda Silversmith and to the agricultural extension service and both seemed to feel that T&J's proposal was admirable in that it called only for the limited use of chemicals. Geoff moved that we accept T&J's proposal as originally presented. Lynn seconded the motion, which passed unanimously.

The meeting was adjourned at 11:10 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 2, 1993

ATTENDEES: Geoff Becker, Dick Berman, Neil Stein, David Wolfe, Rose Krasnow.

The meeting was called to order at 7:45 P.M. by President Geoff Becker. No one was present for the Community Forum on the budget.

The minutes and agenda were approved, although it was pointed out that the agenda had the wrong date at the top.

The Administrator's report addressed the following items:

- 1) The prospective purchaser of 7 Tapiola Court was concerned about the erosion around his house that had been caused by recent heavy rains. Before going to settlement on the 6th, he wanted to know if the Association would approve whatever actions might be necessary to address the problem. The Board felt unable to do this, since no indication of the type of work involved had been given. However, David Wolfe & Geoff Becker agreed to meet with the new owner, Dr. Gary Resnick, over the weekend, to see if his concerns could be put to rest.
- 2) Thank you letters had gone out to several contractors whose bids had not been selected.
- 3) A lien had been filed against M. Lombard of 4 Radburn for the dues still outstanding for 1993. An agreement regarding a payment schedule that would include all past due amounts as well as the dues for 1994 was still being negotiated.
- 4) A letter had been sent to the Harger's regarding their concerns about their neighbors.

Under committee reports, Rose reported that she had observed several apparent architectural violations in the backyard of 5 Tapiola Court, including a fence with an ornate, lattice-type top, an oriental style deck, and a shed. However, by checking with neighbors, she learned that these changes had been made by the former owners. The Board felt that it could not take any action, since the house had changed hands. Nevertheless, it was agreed that at a later date the Board should discuss the advisability of surveying the entire community to establish a record of existing architectural violations. When a house was sold, the HOA documents could make note of the non-complying features.

American Pool Service had not sent back the final draft of the 1994 pool contract but had verbally agreed to every change requested by New Mark. Neil moved that the contract be accepted, assuming that the final wording came through as expected. David seconded the motion, which passed unanimously.

Dick moved that the 1994 budget be accepted as presented. David Wolfe seconded the motion, which passed unanimously.

Pursuant to the Board's request, Jim Denny had sent the Board a "Certificate of Insurance" which showed that he carried substantial liability insurance as well as personal property insurance for items that he might store in the garage. He also had written a letter stating that he planned to use the garage primarily for storage of tools and supplies, since most of his work as a home improvement contractor was "site specific". Rose strongly recommended that Jim be allowed to rent the garage since it meant that he would also see to its upkeep. She said that Jim had already spent many hours cleaning the garage, disposing of trash and other debris, inventorying the equipment, and so forth. David moved that Jim Denny be allowed to rent the garage for a term of one year. The lease would

provide that the Board could ask him to leave at any time as long as he was given 30 days prior notice. Pending review by the Board, the lease would be renewable. Neil seconded the motion, which passed unanimously. Dick then moved that the rent be set at \$50.00 per month. The motion, after being seconded by Neil, passed unanimously.

Lake Services of Virginia had submitted a proposal to the Association regarding dredging. It was their opinion that a total dredge would be necessary, since their equipment could not reach to the far side of the lake from the bank along the Esplanade. A complete dredge would require them to set up their barge operation. The mobilization costs alone would be \$32,000. The cost of dredging and disposal was \$10.90 per cubic yard, if the disposal area was located within 1/2 mile of the lake. Permits, restoration of the bank, and other fees would be additional. Since this proposal seemed high, in terms of both effort and expense, the Board asked Rose to continue looking at other alternatives. Rose said that a meeting had been scheduled for December 10th with Whiteford Environmental Services, an eastern shore company which uses small mudcats to dredge. Geoff said that the Lake Committee was also planning to meet in December to discuss possible dredging scenarios.

Since the Board had opted to continue to use an outside landscaping contractor, Rose and Jim Denny had developed a list of equipment that was no longer needed by the community, including some that was owned by Rick. The Board agreed that the items should be sold but felt that an appraisal should be obtained first to insure that a fair value was received. David moved that we hire an appraiser if this could be done for \$250 or less. Dick seconded the motion, which passed unanimously. Once the appraisal had been obtained, the Board could decide whether to sell through an auction, through the newsletter, or through classified ads in the Gazette. Rose pointed out that T&J was very interested in the Lawn-Boy lawnmowers. Neil felt that the equipment should probably be offered to community residents first.

Since the Association's covenants expire in 1997 and any changes would not become effective for 3 years, the Board discussed how best to proceed with updating the documents. However, it was decided that it was probably best to leave them alone, since they would automatically renew on the expiration date. The consensus was that it would probably be impossible to get 2/3's of the community to approve the changes that the Board would seek, such as the ability of the Association to recover legal fees when successful in a lawsuit, the imposition of fines for people who let their animals roam without a leash or who put their trash out at the wrong time and so forth. In the meantime, the community might seek to make other, more far-reaching changes in the covenants, such as the abolition of the Architectural Control Committee. Therefore, it was decided to inactivate the covenant committee.

The meeting was adjourned at 8:55 P.M.