

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, FEBRUARY 2, 1995**

**ATTENDEES:** Richard Berman, Tom Cannon, Barbara Cano, Susan Klise, Anne Taylor, David Wolfe, Rose Krasnow, and Susan Strauss & Jeanette Fearon from the City of Rockville Public Works Dept.

The meeting was called to order by President David Wolfe at 7:37 P.M. Jeanette Fearon and Susan Straus were present to discuss the Cabin John Watershed study which recommended that Lake New Mark be retrofitted to provide quantity as well as quality control. In order to do this, however, the lake would have to be lowered 1 1/2 to 2 feet in depth and the control structure would have to be replaced because it would not meet current state standards. When built, Lake New Mark had been designated as a "farm pond", which meant that it was subject to far fewer regulations. However, once any structural changes are made to the lake, current state standards would have to be met. Susan admitted that lowering the level of the lake would probably lead to the growth of aquatic marsh grasses around the edge. The community would benefit because the city would assume responsibility for the riser and the dam structure. However, it would still not be responsible for any routine maintenance of the lake (including dredging) and the city was not willing to accept any liability for the townhouses along the edge. Richard pointed out that the lake had to be dredged because of the siltation that occurred over time because the lake was a stormwater management facility. He felt, therefore, that the city should dredge. Susan said that the city would only dredge if the degree of siltation was affecting the performance of the lake vis a vis its stormwater management capabilities. Richard wondered if we could return the lake back to its current condition if we didn't like the effects of the lower water level, but Jeanette said this would be difficult since the riser would be in place and state standards would now apply. Tom asked if any of the piping leading up to the lake would have to be improved. Susan responded that the existing pipes were large enough to hold additional flows. Richard pointed out that when the city granted stormwater waivers to projects such as the Impara townhouses, the water was entering our lake. Although the city benefitted by receiving the waiver fees, New Mark was shouldering the burden of the increased flow, siltation, trash, etc. Before departing, city staff said that the retrofits recommended in the report were not mandated by the state, at least not at this time. The purpose of the study was to reveal what the city could do to stop the further degradation of the watershed and, if possible, restore the watershed to its predevelopment conditions.

The minutes and agenda were approved as read.

Under her administrative report, Rose discussed the following issues:

1) The pool seemed to be slowly losing water for unknown reasons. The primary concern was for the pool cover, which should be no more than 18 inches above the water. In a major storm, the cover would rest upon the water, thereby supporting the weight of the snow or ice. If the water level was too low, the cover could sag so far that it might split. Rick Curl had come out, and felt that the cover seemed to be withstanding the weight at

this time. If necessary, the cover could be removed and left off for the remainder of the winter.

2) The liens on 4 Radburn Court had been released.

3) At the request of the Auditor, New Mark had requested that our attorney pull a copy of the deeds for the common grounds owned by the Association.

4) Several meetings were coming up that were of interest to the community. Rose asked for volunteers for the following: City of Rockville Worksession on the Cabin John Watershed Study (Richard); Meeting regarding the Seven Locks Detention Center (David); and the CAI Annual Expo (Tom).

5) Two additional lighting contractors were contacted. One, Power Systems, had already visited the premises, although the bid had not yet been received. A suggestion had been made, however, to replace the lights in the fireplace room with sconces that would provide brighter, all-purpose lighting instead of having the room rewired for an overhead floodlight. The Board agreed that this appeared to be a better course of action. The Board also discussed using reflective paint to make the brown wooden signs at the entrances to the townhouses easier to read at night.

Under old business, the Board discussed the upcoming Annual Meeting. Terry Treschuk, Rockville Chief of Police, had willingly agreed to be our guest speaker. Responding to a suggestion by Tom, the Board agreed that it would also be interesting to have someone speak about the City's new venture into Community Dispute Resolution. Rose mentioned that we needed to find a resident to run for Barbara Cano's seat. Frank Jerin was suggested as a possibility. The Board agreed that a \$50.00 gift certificate to a local restaurant should again be purchased as a door prize.

Dick Berman moved that we oppose the city's recommendation to retrofit Lake New Mark. David seconded the motion, which passed unanimously.

The meeting adjourned at 9:40 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MARCH 2, 1995**

**ATTENDEES:** Geoff Becker, Abby Becker, Susan Klise, Richard Berman, Tom Cannon, Anne Taylor, Barbara Cano, David Wolfe, and Rose Krasnow.

The meeting was called to order at 7:35 PM by President David Wolfe. Although no one was present for community forum, the Board spent a brief time at the beginning of the meeting celebrating the impending birth of Barbara Cano's first child. Following the festivities, the minutes and agenda were approved as read, after the spelling of David Wolfe's name was corrected.

Under her Administrator's Report, Rose discussed the following items:

- 1) While it appeared that the pool might still have a slow leak, Rick Curl did not feel that the problem was one of any magnitude. A \$500 water bill had just been received from the City that turned out to be an adjustment on the amount owed for '94. This would bring the total paid for '94 more in line with our expectations, but it would put us over this year since the expenditure would be booked in '95.
- 2) Approximately 34 people had not paid their dues. This was not an unusually high number. Late notices had been sent out.
- 3) Meryl Lombard was among those who had not yet paid her assessment. In addition, the neighbors reported that she had a stove and toilet in the back yard. She had also cut down a very large tree and installed new skylights without permission.
- 4) Attempts to choose a roof contractor had not been very successful. Technical help had been sought from the city, but little had been forthcoming.
- 5) Even though the area in front of 144-152 NME had been relandscaped according to the wishes of the residents in the area, there were still some complaints from adjacent residents that the area was too open.

Richard Berman had attended the City's Stormwater Management meeting, but he reported that little new information had been gleaned. The city reiterated that they would not turn Lake New Mark into a quantity control facility unless the idea was backed by the association.

David Wolfe reported on the meeting he attended regarding the Detention Center. He said that the neighbors were extremely upset with the idea of Central Processing at that facility. Likewise, they did not want the buffer trees cut down, even though it was very unusual to have trees at the perimeter of a jail, since it blocked the view of guards. The County was not well prepared to respond to these citizen concerns so it was agreed that another meeting would be necessary.

Rose said that she had received a proposal from Poole's Stone and Garden to install a stone wall in the 800 block in an area where a timber wall had been envisioned. The Board suggested that the proposal be turned over to the Landscape Committee for review.

Under new business, Rose said that she was concerned that property values were declining significantly in the community. Geoff suggested that we invite Jerry & Mincy Neil to the next Board meeting so that this concern could be discussed with them. It was hoped that they might have some suggestions to offer.

David said that he had spoken to David Harrell of 210 NME about the ongoing problems with the neighbors at 212 NME. Mr. Harrell was quite upset that the Torrez's had built their retaining wall on part of his property and planned to take this matter up with them. David said he would keep the Board apprised of any developments.

The meeting was adjourned at 9:25 PM.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MAY 4, 1995

ATTENDEES: Geoff Becker, Richard Berman, Tom Cannon, Barbara and Austin Cano, Susan Klise, Anne Taylor, Rose Krasnow, Jerry & Mincy Neil, Mike Miller, Linda Silversmith.

The meeting was called to order at 7:40 PM by Vice President Richard Berman. Since the community forum was attended by a special visitor, Austin Cano, aged 2 months, the Board spent several minutes admiring one of New Mark's newest residents. After one minor correction was made to the minutes, both the minutes and agenda were approved.

Under her administrator's report, Rose made note of the following:

- 1) The Torres's of 212 NME recently held a wedding in the clubhouse. Although they buffed the floor, washed the windows, and did a wonderful job cleaning the facility, they had used an adhesive to attach carpet in the entryway, even though their request to do so had been explicitly denied before the event took place, and the carpet was proving difficult to remove. The Board needed to determine how much to assess for this damage.
- 2) Three lighting bids had been obtained. Power Systems was by far the cheapest, but it took them so long to produce the bid that their responsiveness was in question. Rose said she would check out Pel-burne's references, and she would talk to S.A. Carr to see if their prices could be negotiated downward.
- 3) Another mulch fire had been set at the playground. A mysterious "friend" had cleaned up the mess left behind by the fire department.
- 4) Preparations for opening the pool were going smoothly. Rick Curl had not recommended any repairs, although he felt the expansion joint would need to be replaced next spring. A new reel was needed to hold the racing lane markers, and Rick had recommended that we purchase a more expensive, but more durable, one for \$1000. Geoff moved that we purchase the reel. Susan seconded the motion, which passed unanimously.
- 5) Carter McCamy of EQR had looked at the pipe situation near 142 NME. He suggested that we use a hose to run water through the pipe to see where it came out. If it came out in an unlikely spot, he suggested we hire someone who could use a video camera to take pictures from within the pipe itself, so that the nature of the problem could be ascertained.
- 6) The Board agreed that the Spring walk-through should be held Saturday, May 20th at 9:00 AM.

Under committee reports, Linda Silversmith was present to discuss several possible landscape projects. The committee felt that the stone wall proposed for the 800 block peninsula would not really address the erosion problem and was too expensive. They suggested instead that the yuccas be removed and that additional timbers be placed to create a staggered, terraced effect. Creeping juniper, dwarf yews and daffodils could then be planted for color and to hold the soil. Alongside the sidewalk at the front entrance, the committee recommended that the azaleas be professionally pruned. Once this was done, a recommendation could be made as to whether additional azaleas should be planted. Barbara Cano again asked who was responsible for cleaning out the woods in that area.

if ownership could be determined. The Board also wanted Rose to talk to T&J Lawn Services about spraying the poison ivy. Linda wanted to know if more trash cans could be put near the entrance or near the lake steps, but the Board pointed out that it would be difficult to place them unobtrusively. Linda also asked if she could plant a "living fence". She felt that trees would be preferable to a wooden fence, but she needed the Board's permission to plant them on the common grounds. The Board felt this would be acceptable as long as Linda was willing to maintain them.

Under community enhancement, Rose reported that she had cited 3 homes to the city. 3 Harlow Ct. had piled a huge stack of limbs at the edge of their property immediately adjacent to the Harlow path. 15 Watchwater had piled timbers, an old fence and other debris on the common ground adjacent to the home, and 4 Radburn had all sorts of debris in the backyard. The City had agreed to send letters to all three parties. Geoff, Mike and Dick agreed that the entire community should be part of the community enhancement survey this spring.

The Board heard a special presentation from New Mark residents and realtors Mincy and Jerry Neil regarding property values in New Mark. They pointed out that New Mark is actually holding its own given the current market conditions. Very few sales have occurred anywhere in Montgomery County in the past few months. They attributed this, in part, to the fact that so many people had refinanced their homes recently at very low rates, so they have little incentive to move. Most of the prospective purchasers were first time home buyers, and the recent rise in interest rates acted as a deterrent to this group. The Neils felt that New Mark looked exceptionally well-kept, and the reputation of Richard Montgomery had improved, thanks to the IB program. People usually were pleased to find a community like this one in the heart of Rockville near the Metro. New Mark suffered primarily when compared to newer construction further out. Mincy did ask, on Mike Miller's behalf, if the Board would consider letting homeowners replace their wood shingles with aluminum shingles designed to look like wood. Mike had brought a sample of such a product. The Board agreed to look into this possibility, since so many of the wood shingles in New Mark were blackened, warped, or curled.

Under new business, Rose said that Tower Oaks had requested a townhouse overlay district for the land adjacent to New Mark and next to Dogwood Park on Monroe Street. Dick was concerned about the increased traffic this would put on Monroe, and everyone was worried about the loss of a mature forest. The Board agreed to look at the site during their walk.

Barbara Cano asked about the planters that had been discussed for the lake. The Board wanted to move ahead with this project after notifying the lake committee and ascertaining how much maintenance would be involved. Were plastic or steel drums used? Would the lily pads have to be replanted each year?

The meeting was adjourned at 10:05 PM.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JULY 6, 1995**

**ATTENDEES:** Geoff Becker, Richard Berman, Tom Cannon, Barbara Cano, Susan Klise, Rose Krasnow, Anne Taylor, David Wolfe, Elaine Parker, Judy Doctor, Milt Puziss.

The meeting was called to order at 7:40 P.M. by President David Wolfe. Elaine, Judy, and Milt Puziss were present because they thought Tower Oaks was making a presentation at the meeting; in fact, the Board had recommended that residents attend to voice their opinions regarding the type of development they would like to see on the panhandle site south of Don Mills Court. The Board explained that our options were limited as a result of the 1985 stipulation, which stated that a residence inn or 170 residential units could be constructed on the site. At the time, no one thought the land would actually be put to a residential use, since the purpose of the original text amendment had been to seek higher densities and more intensive use than that allowed under the original residential zone. The Board felt it might be able to block townhouses on the old school site, which was not part of the comprehensive plan. Townhouses were only possible if the Mayor and Council approved an overlay zone for the area. The community needed to decide if it was preferable to allow townhouses, with no access from New Mark, or single family homes, which would probably become part of New Mark and which would be accessed using Don Mills Court.

Milt Puziss asked the Board to address the poison ivy at the entrance to the community. Rose said T&J had already been asked to spray this area. Geoff Becker thanked Judy Doctor for conducting part of the Community Enhancement Survey.

Richard Berman asked if the community was going to formally oppose the 40 townhouses proposed on Monroe St. Extended across from Fireside. The Board felt that the development would not have much impact on New Mark, but questioned whether it met the criteria for an overlay zone. Barbara Cano also questioned whether there was a limit on how many townhouses could be built in a particular area. Tower Oaks alone was proposing more than 300 new units in the immediate vicinity of New Mark.

Richard said he was extremely upset that the deck at 242 NME had been approved by the ACC. He felt that it was out of scale, the wrong color, and visually intrusive. He was fearful that a precedent had now been set that would allow anyone on the lake to build a similar deck. Although Dick felt that the signatures of the residents across the lake should have been required, since they could "see" the proposed modification, other Board members felt this would make the ACC process too onerous and would encourage non-compliance. Richard also suggested that the Board review each decision of the ACC to insure that it was acceptable; other Board members felt that it was important to preserve the autonomy of the committee. David Wolfe asked Richard to put his thoughts into a letter that could become part of the record.

Upon a motion by Susan Klise, the minutes and agenda were approved as read. The Administrator's Report addressed the following issues:

- 1) Although the carpet had been removed from the clubhouse entryway, the concrete was very discolored and the adhesive still appeared on the painted surface adjacent to the steps. The Board recommended that a letter be sent to the Torrez's, stating that the restoration was not acceptable and informing them that the Association planned to get an estimate from a concrete expert to find out what it would cost to restore the surface to its original condition.
- 2) A decision was made not to install security lights on a single pole at the end of the pool, because it would be unattractive and out of keeping with the surroundings. Richard Berman suggested that some of the better solar lights be tried instead, since there was plenty of sun in the vicinity of the pool and the lights were quite inexpensive. The Board agreed to try two solar lights in this area. The Board also discussed the letter from Loretta Stallings, of 876 NME, who objected to the proposed street light at 882 NME because it would shine into her bedroom and living room windows. The Board felt that safety considerations outweighed her concerns, but they asked Rose to see what could be done to minimize the impact, either by using a shield on part of the light or lowering the height of the pole. Rose agreed to relay the Board's thoughts to Ms. Stallings.
- 3) Before renewing the Board's D&O liability policy from CNA, Rose had asked Van Grack to look over the policy. He recommended that we check out alternate policies with John Manougian Ins. In addition to providing a quote for a Chubb D&O policy, Mr. Manougian offered to analyze all our insurance needs and provide costs for a total insurance package. Although the Board was satisfied with its current policies, it was agreed that it might be useful to hear what another agent recommended.

The following Officer & Committee items were discussed:

- 1) Treasurer's Report: Although late letters were sent out in mid-June, some 15 members still had not paid their dues. Rose suggested that she call each of them before initiating lien procedures.
- 2) Lake Committee: Carter McCamy of EQR said that moving the bubblers would not solve the trash problem at the end of the lake, since the bubblers were not design to control the flow of debris. David said that he had written to Herb Brubaker informing him of this fact. Although Barbara Cano and Geoff Becker said that many New Mark residents would like to have fishing privileges, Richard pointed out that the Lake Committee was unanimously opposed to the idea. The matter was tabled until a later date.
- 3) Pool: Given the excellent job being done by Curl Swim Services, Rose wanted to know if she could initiate discussions concerning the '96 contract. The Board agreed that this could be done. Richard asked, however, if the company could use more professional looking signs next year, rather than the xeroxed sheets asking residents to shower before entering the pool, and so forth. After discussing the best day to close the pool this year, Richard moved that the season end on Labor Day, since usage dropped considerably once school was back in session. Susan seconded the motion, which passed unanimously.
- 4) Landscape Committee: The Board had a chance to review proposals for the 200 block and the 800 block. Kollins Landscaping, one of the bidders on the work in the 800 block, felt that it was not worth the expense to reposition the existing ties in that area, and Helen Reed basically agreed. Therefore, the Board decided to focus on the work in the 200 block

at this time. However, to insure that residents were fully aware of what was being proposed, Rose was asked to distribute a memo outlining the scope of work. In other landscape matters, Barbara Cano asked why T&J only edged on the street side of the sidewalk. She also asked if T&J could trim the grass near the azaleas at the entrance to the community.

5) Property Maintenance: Most of the community enhancement survey had been completed, and the remaining portions had been assigned to committee members. Rose was advised to use her discretion when sending out the notices, since the areas were not surveyed by a second person.

Under old business, Richard moved that the Board oppose the Townhouse Overlay proposed by Tower Oaks on Monroe. Geoff seconded the motion. Although there was some disagreement on this issue, since several members felt that the development might actually improve the area by increasing property values, providing a sidewalk along Monroe Street Extended, and increasing the sense of security in the area, there was a general consensus that the Board could oppose the overlay to be consistent with the position taken on the Barnsley property; namely that the area did not meet the definition of a transition. The motion carried.

After discussing the proposal received from WSI to do the soil engineering work for the lake steps, there was a sense among members of the Board that the proposal was too vague. Tom was asked to look into the company's references and their insurance coverage. The Board also wanted to know what the hourly costs were since each element of proposal was only a projected cost, and there was some concern that the actual cost might be much higher. Rose agreed to ask the architect to recommend another soil engineer who could be asked to submit a bid for comparison purposes.

Although the Board had received suggested guidelines from Van Grack regarding the new 18 inch satellite dishes, a decision was made to table this matter until a later date.

Under new business, Rose asked about the car that was parked on the Khassian property at 2 Lakeside Overlook. The car was covered and had not been moved for many months, which was legal under city code but was not legal under New Mark's vehicle policy. The Board agreed that a letter should be sent to Mr. Khassian asking that the car be moved.

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

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, AUGUST 3, 1995

ATTENDEES: Geoff Becker, Richard Berman, Tom Cannon, Barbara Cano, Susan Klise, Rose Krasnow, Anne Taylor, David Wolfe, Joanna & Tony Kolker.

The meeting was called to order at 7:45 PM by President David Wolfe. Tony and Joanna Kolker were present to request a special parking place for Tony so that he could use the pool. Since Tony has Multiple Sclerosis, it is difficult for him to get about. Walking from the handicapped space to the clubhouse, down the stairs, and out to the pool is more than he can manage. The Kolkers were hoping that they could use the lifeguard space in the shade. In response to a concern that the lifeguard spaces were on a gravel surface. Richard suggested that the Kolkers could sign a letter saying that they would not sue if the gravel caused Tony to fall. Rose suggested that Joanne could pull the car up to the door, help Tony out, and then back the vehicle into the handicapped space. Joanne pointed out that she did not like to leave Tony alone, and she was usually quite exhausted by the time she reached the pool and did not want to have to go back out to move the car. The Board pointed out that others might park in the space, and the Board would not have any enforcement powers. Nevertheless, they agreed to consider the matter later in the meeting.

The agenda was approved as read. David Wolfe corrected the minutes of the prior meeting to reflect that he had offered a defense of the ACC's decision regarding the deck at 242 NME, in which he pointed out that the deck was primarily hidden from view, that it was on private property, that the adjacent neighbors had signed off on the application, that the deck was not exceptionally deep, and that it was similar in material and style to other decks that had been approved. On a motion by Susan, the amended minutes were approved.

Since David had brought up the ACC, Richard wanted to know how Bethany Portner had received permission to change the location of her air conditioning unit without getting him to sign an application, since he was her next door neighbor. David pointed out that Bethany had needed the approval quickly, and that the ACC had little discretion in these cases since the newer air conditioners were so much bigger and could not be placed in the same spot without blocking the PEPCO meters. Richard felt that the process needed to be followed regardless of the emergency. He pointed out that the air conditioner had actually only been installed the day before.

In her Administrator's report, Rose covered the following items:

- 1) The Torres's had been notified that the Board was not satisfied with the condition of the clubhouse entry now that the carpet had been removed. The concrete contractor had suggested that indoor-outdoor carpeting be installed. The Board wanted to know if it would cause people to trip, how well it would wear, how much it would cost, and how durable it would be. In addition, the Board wanted to know if muriatic acid could be used to restore the concrete to a more acceptable condition.
- 2) Our insurance agent suggested that we reexamine our coverages to be sure they were adequate. One suggestion was to separate the pool coverage from the rest of the

clubhouse, but the Board did not understand the value in this. A rider was also needed to cover the equipment when it was out of the garage. John Manougian said he couldn't give us a quote on anything other than D&O insurance because Great American would not cover us since we had a both a swim team and a diving board. The Board wanted to know if our team was insured when it swam at locations outside New Mark.

3) The bid to repair both of the tennis court center posts was \$625.00. Since this seemed high, other alternatives would be sought. David pointed out that a new net was also needed.

4) There did not appear to be any break in the pipe that entered the lake below 142 NME. However, Rose was going to see if the City could video these for us before we sought to have them repaired by EQR.

5) The Board had received a letter from Mrs. Barnsley of 611 Monroe St. complaining about the lack of maintenance on our side of the fence. The Board agreed to acknowledge her letter but did not feel inclined to take any action unless required to do so by the city.

6) Jim Denny had written a note to the Board suggesting that we try to sell several pieces of equipment that were no longer being used. Geoff moved that we sell everything except the snow broom. Richard seconded the motion, which passed unanimously. Rose agreed to talk to the snow contractor to see if he had felt it made any sense for us to keep the broom any longer. If not, the Board wondered if he would be interested in purchasing it.

7) The concrete contractor felt that we would be better served by sandblasting our yellow curbs rather than repainting them, since the paint might not adhere any better this time than it did before. Given the tremendous difference in cost, however, the Board decided to go ahead with their decision to use paint.

8) With respect to the jail, David described how disconcerting the tour of the facility had been. It was agreed that New Mark should continue to oppose the facility on the Seven Locks Site. David suggested that Tower Oaks should be enlisted in the fight, since all of their proposed residential developments would be adversely affected if the jail were expanded on site.

9) A year-to-date budget was distributed that showed the community was in excellent financial shape. Since we were underbudget in several categories, it was hoped that the parking lot repairs and additional lighting could be paid for out of the operating budget.

It was reported that seven people still owed dues. Three others were paying on the installment plan.

Most of the property maintenance inspections had been completed. As soon as the final ones were received, Rose would mail all of them out to the community at one time. A specific complaint had been received about 880 NME, a rental that was owned by a family in New Mark. Rose agreed to write a letter to the Parlato's asking them to address the problems as quickly as possible so that the city would not have to be called in. Richard asked if the "No Parking" signs throughout the community could also be painted.

Barbara Cano spoke very highly of the pool staff but pointed out that there never seemed to be anyone at the front desk. Richard asked again for better signage at the pool. Rose informed the Board that both of our managers would be going back to school around the 14th of August. Substitute personnel would be supplied by Rick Curl.

Under old business, Rose pointed out that there would be a tour of the Tower Oaks townhouse site north of Dogwood park on Saturday morning, Aug. 5th at 9:30. The Council would vote on the exploratory townhouse overlay application on Monday, the 7th. It appeared that about 15 or more people would attend the August 9th meeting on the Tower Oaks panhandle site that would be held at Mark Wetterhahn's.

Tom reported that WSI did not carry Errors and Omissions Liability Insurance so they were no longer being considered to serve as Geotechnical Engineers for the step project. Tom had obtained another proposal from ECS, a firm recommended by the architect. The new proposal suggested that the soil borings could be done by hand auger, rather than with a big rig. This lowered the cost considerably. Richard expressed an opinion that the steps would probably last another 10 years and that the community would not support the use of so much money on a project that might not be necessary. The rest of the Board felt that the community should be notified of the anticipated cost, but they felt that the need for the work had been clearly established. It was pointed out that the new design would probably call for more flexible materials to be used, so that the same problem should not recur. However, there was some agreement that it might not be necessary to hire an architect and two separate engineers. Tom felt that the engineer from ECS could be asked to do everything, from soil borings to design plans to inspection while the work was performed. He agreed to expand the proposal that had already been received. Van Grack would be asked to review any contracts before they were signed.

Under new business, Rose said that she had been approached by Richard Young about the possibility of offering tennis lessons at our courts. Richard lives in the Fireside Apartments and has considerable teaching experience, but he does not carry any insurance. Anne was concerned about someone using our courts to conduct a private business venture. Others were concerned that a conflict might arise between regular tennis court users and those taking lessons. Geoff moved that permission to teach lessons be denied. Tom seconded the motion, which passed unanimously.

The Board agreed that the Kolkers' request for a special parking space at the pool should be granted as long as a letter was signed indemnifying the Board in case Tony tripped on the gravel. Geoff recommended that a sign stating "Parking by Special Permit Only" would be preferable to a handicapped parking sign. The Board also wanted to be sure that Joanna did not use the space unless she was with Tony. It was agreed that the space should be available to the Kolkers on a year-round basis.

The Board tabled the issue of 18 inch satellite dishes to a later meeting.

The meeting was adjourned at 10:40 PM.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 7, 1995

ATTENDEES: Geoff Becker, Richard Berman, Tom Cannon, Barbara Cano, Susan Klise, Anne Taylor, David Wolfe, Rose Krasnow.

The meeting was called to order by President David Wolfe at 7.35 PM. Although no one was present for the community forum, Geoff Becker pointed out that the street light at the corner of Vallingby and Scandia had been out for months. Barbara Cano pointed out that the drought had killed all the new grass that had been planted by T&J, so it would be necessary to reseed again.

Upon a motion by Susan, the minutes and agenda were approved as read, although it was pointed out that a computer glitch had scrambled a part of the last page, so it needed to be reprinted.

In her Administrator's Report, Rose covered the following items:

- 1) Concrete - The concrete work had been completed successfully, but the Board needed to realize that a group contract created a great deal of additional work for Rose and could place the Board in jeopardy if an individual joined the group but was not satisfied with the work that was done. Since the Association was the signer of the contract, New Mark would ultimately be held responsible for payment. Fortunately, while one individual had been unhappy with their new patio, the contractor agreed to rip it out and repour it. The Board responded that they felt the advantages of the group contract outweighed the disadvantages.
- 2) Asphalt and crack sealing - Neither the asphalt work nor the crack sealing had been completed satisfactorily. The backhoe operator had severely scarred the 800 block parking lot, and many cracks had not been filled at all. The contractor had agreed to repair one major section of asphalt at his expense, but he wanted to know if we wanted to do some additional patching at the same time, since several other areas in the 800 block could have been done originally. The contractor was going to submit a bid for the additional patching and for sealing the 800 lot to make it look better. Once this figure was known, Rose would notify the Board and seek a decision regarding whether to go ahead. The contractor also had agreed to do the cracks a second time, and to remeasure the entire job, since Rose had questioned the number of linear feet they claimed to have filled.
- 3) Tennis - A contract had been signed with Sport Systems, Inc. to repair the concrete around the center straps and to install a new tennis net. David Wolfe wondered whether they could determine whether the damage to the existing net had been caused by vandals.
- 4) Lighting - The lighting company had replaced the mercury vapor lights around the pool with high pressure sodium, providing a considerable amount of additional light. In response to a question from the Board, Rose said that no one had complained about the stronger lighting so far. Rose suggested that the clubhouse parking lot lights be changed as well, since more activity of a dubious nature appeared to be occurring in the area. The Board was receptive to this idea if the price was not too high. Additional patrolling by the police was also recommended.
- 5) The pool had been closed and winterized, but the search for a significant leak in the baby

pool was still continuing. Rick Curl planned to present the Board with a list of recommended repairs and renovations. David Wolfe asked if the dressing rooms might ever be remodeled, but Rose pointed out that extensive renovation would probably cost more than \$100,000.

6) Clubhouse - The clubhouse cleaning had been completed. Many of the windows could not be cleaned very well, since they were made of plexiglass. In addition, even though the clubhouse floor had been stripped and repolished, the final result was somewhat less than the Board had hoped for. Refinishing was the only remaining option.

7) Insurance - Director and Officer Liability Insurance from Chubb was \$1250, compared to 1082 from CNA. The Chubb policy covered legal costs, however, which CNA did not. Since Van Grack recommended Chubb, the Board agreed that the extra amount of money was worth it in order to obtain the additional coverage.

8) Harlow Path - The City was about to replace the timber retaining wall on Harlow with a new wall using the new, interlocking concrete blocks. This would give the Board a chance to view this type of construction and to decide whether it could be used to replace other retaining walls throughout New Mark.

9) Vandalism - Several vandalism incidents had occurred in recent weeks. Two bushes had been taken from the front island, and a large rock had been thrown through the front windshield of a car in the 800 block. Geoff also said that a wallet had been taken from a house on Vallingby. The back door of the house had not been locked. Rose pointed out that the police said vandalism tended to increase right before the start of school. She said the city's new Neighborhood Watch newsletter would be passed out to all residents, along with the New Mark News. It was hoped that a resident would agree to be the New Mark Rep to the City's Neighborhood Watch steering committee. Geoff said he would be willing to do it once his Board term had expired.

10) Garage - Jim Denny had requested permission to continue renting the garage at a cost of \$50.00/month. The Board agreed to his request.

11) Snow Removal - Rose alerted Danny Sivert to the fact that New Mark would have to get the Esplanade cleared more quickly after a snow storm because the city was stepping up enforcement of its rules regarding sidewalk clearance within 24 hours. Mr. Sivert said he would send a person down to do sidewalks as soon as it started snowing, rather than waiting until the snow had become packed as a result of people walking on it. He felt this would enable the snow brush to be more effective.

Under committee reports, Rose reported that 79 Community Enhancement letters had been sent out, including 3 that complimented people for the fine manner in which they kept up their homes. She said that the City had been contacted regarding violations at 3 homes - 168 NME, 880 NME, and 2 Lakeside Overlook. Geoff pointed out that the rental property at 10 Tapiola was, as usual, looking quite shabby, and that the new renters had never even cut the lawn. Rose agreed to report this to inspections as well. The issue of whether or not trash cans could remain in front of a home, in clear view, had been raised by a memo from Judy Doctor who surveyed one section of the community. Many New Mark homeowners were guilty of this practice, even though it was prohibited by the covenants. The Board discussed the problem without reaching any definitive conclusion.

Speaking for the Landscape Committee, Rose said that no one in the area between 250 and

262 NME had raised any objection to the relandscaping proposed by the committee, so the work would proceed.

Under old business, the Board discussed the new proposal from Engineering Consulting Services. The Board's overall impression was favorable, but the report raised a new issue about the need to still hire a civil engineer/site planner for development of site plans to locate the stairs and for submittal to the City of Rockville. The Board was uncertain about just what the City would require and whether the additional engineer would be necessary. The Board also discussed the fact that ECS seemed to be advocating the use of Keystone masonry block. While not necessarily opposed to this idea, the Board wondered if using an alternate material would increase the engineering costs. Since additional information was needed before any decisions could be reached, the Board tabled this matter until the next meeting, recognizing that this might mean that the project would not get done until Spring.

Regarding Tower Oaks, Rose said that a good sized group had come to the meeting held at Mark's in August. The group seemed to be quite split over the best course of action. Some residents wanted to oppose any development at all; while others clearly felt that this was not a practical option, given the language in the Comprehensive Plan for the property. The second group hoped to be able to negotiate matters such as the number of units and their placement. Tower Oaks had been asked to provide additional information regarding the number of single family homes they would want to build on the school site if access onto Don Mills Court was allowed by the community.

The meeting was adjourned at 9:20 PM.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 5, 1995

ATTENDEES: Dick Berman, Geoff Becker, Barbara Cano (and Austin), Tom Cannon, Rose Krasnow, Anne Taylor, David Wolfe, Judy Rudolph, Linda Silversmith (arrived at 8:30).

The meeting was called to order at 7:35 PM by President David Wolfe. Judy Rudolph was present at the community forum to express her concern about the need to follow up on the community enhancement letters to insure that the recommendations were followed. She particularly noted the condition of the properties at 824 NME, 828 NME, and 832 NME. She pointed out that all of these units had been cited several times in the past. Moreover, she felt the covenants gave the Association the authority to take care of a problem and bill the owner, filing a lien on the property if necessary. However, Rose pointed out that our lawyers had consistently advised that contractors would be unwilling to undertake repairs on private property without the owners permission. Dick admitted that enforcement was an ongoing issue, but he was unsure what the remedies were. He pointed out that several residents had responded favorably to our letters and had already addressed the complaints. He also said that a follow-up survey would soon be done and additional letters could be sent. David suggested that the second letter could come from New Mark's attorney. Geoff said he would be willing to look at past surveys to determine which homeowners had received more than one notice yet done nothing.

The minutes and agenda were approved as read.

Under her Administrator's report, Rose addressed the following items:

- 1) Trees - One of the three large willows had fallen in the lake that evening and would have to be removed. The Board asked Rose to see if it made any sense to sink the tree in the deeper part of the lake to provide fish habitat. A discussion also ensued regarding the wisdom of planting another willow. Finally, Rose pointed out that complaints regarding trees overhanging the townhouse parking lots were becoming more numerous. She questioned whether the trees on the peninsulas should be removed altogether. Tom suggested that we appoint a tree committee to formulate a tree policy for NMC.
- 2) Pool - Curl Swim Services wanted to renew the contract with a six percent increase. If we wanted a three year contract, the proposed increases would be 6% the first year, 5% the second, 4% the third. Geoff made a motion that the increase in any given year should be tied to the cost of living. Anne seconded the motion, which passed unanimously. Rose also said that it looked like we could anticipate about \$6000 of pool repairs next spring.
- 3) Lighting - The 2 new lights in the 100 block had been well received. The light in the 800 block had not yet been installed. Rose recommended that we change the lights in the clubhouse parking lot to high pressure sodium. The lights could be directed so as not to affect residents in the 800 block.
- 4) Crime - Geoff Becker said that his family had reported a suspicious person to the police and had been told that NMC was likely to see more outsiders in the community as a result of all the new development in Tower oaks which tended to "open up" New Mark to the rest of the city. Rose also reported that another car in the 800 block had been broken into and items were taken. David said that RCOCA theoretically was going to address the crime

issue within homeowner associations. He also pointed out that everyone should try to attend the public hearing on the jail at 7 PM on October 19. Rose agreed to get a flier out to the community.

Linda Silversmith was present for the Landscape Committee to report that residents on Bentana Way felt that the trees in the circle had become too large and they wanted to have them removed in order to make way for a new landscape design. The Board urged the landscape committee to see how much the city was willing to do, since the circle was city property.

The Board had received a complaint from Ursula Rein complaining about a new window that had been installed at 13 Vallingby Circle. The ACC had approved the window, but the application stated the window would match other windows on the home. In actuality, the new window had white trim; all the others were brown. It was agreed that the Kahn's should receive a letter stating that the frame should be replaced or painted the same color as the other frames. David agreed to notify Ursula of the Board's decision.

A property enhancement letter had provoked a strong letter of protest from Betsy Miller of 11 Vallingby, who felt that the condition of her driveway was not something the community had any say over. Geoff said that the Miller's knew their driveway needed repair, but they could not afford to do anything at the current time. David agreed to write a letter to the Millers explaining that maintenance of individual properties was a responsibility given to the Board by the covenants. The Board also agreed that it might be good to meet face to face with owners who did not comply with the letters to see if such a meeting would produce some action.

Under old business, Tom said that given the visibility of the step project, he felt it might be wise to involve additional residents by setting up a design and review committee that would work with ECS as we proceeded with the project. He felt that the soil borings could be done in the Fall, while the actual plans for the steps could be drawn up over the winter so that construction could be undertaken in the Spring. Geoff moved that we go ahead with the borings and appoint Tom to head up an ad hoc committee. David seconded the motion, which passed by a vote of 5 -1 with Dick abstaining. Barbara said she would be interested in working on the committee; Alan Terhaar and Don Gangloff were recommended as well, if they were willing.

Under new business, Rose said that budget discussions would begin at the November meeting. A suggested budget would be distributed prior to that time.

The meeting adjourned at 9:50 PM.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, DECEMBER 7, 1995

ATTENDEES: David Berner, Tom Cannon, Barbara Cano, Susan Klise, Anne Taylor, David Wolfe, Rose Krasnow, Jim Denny.

The meeting was called to order at 7:40 by President David Wolfe. David Berner was present at the community forum to discuss the lack of lighting in the area leading up to his townhouse at 822 NME. He pointed out that the steps that led up from the parking lot in front of 818 NME were completely dark unless people had their front porch lights on. He knew of people who had fallen, and he felt the association would be liable if someone was hurt. He suggested that a motion detector be affixed to the front of 818 at the Association's expense. Rose pointed out that the community had added several new lights this year, including one on the other side of the 800 block, and was aware of the problem being referenced. The lack of electric feeds made adding additional lights difficult and expensive, so she thought that Mr. Berner's idea was definitely worth considering. A similar light, though not a motion detector, existed on the side of 864 NME. The association reimbursed the homeowner \$8.00/month to cover the electricity costs. Rose agreed to follow up with Mr. T. Chiappa, the owner at 818 NME.

Tom moved that the minutes and agenda be approved as read. Barbara seconded the motion, which passed unanimously.

Under her administrator's report, Rose covered the following items:

- 1) The retaining wall in the back of 328 NME was collapsing. Although it served only to enclose the backyard of one resident, the majority of the wall was located on the common grounds and was New Mark's responsibility. The townhouse was situated in such a way that water from several surrounding homes tended to run toward this home, causing flooding problems. The bid received from Facility Services to replace the wall, regrade, plant new ivy, and improve the drainage amounted to \$4038, if the wall was replaced in timber, and \$4438 if one of the new, interlocking concrete walls was installed. The homeowner would be responsible for 20% of the total cost. The Board suggested that Rose seek another bid and check with Van Grack regarding the Association's liability in instances such as this one in which the backyard of a homeowner was actually on common ground.
- 2) The Association had expended more than \$12000 for tree removal in 1995, and the figure could continue to grow. The storm that occurred on November 11th had downed numerous trees, and a homeowner had just reported a large tree down behind 332 NME.
- 3) A tenant at 824 NME insisted on double parking despite the fact that the curb had been painted yellow when the lot was restriped over the summer. The tenant had been contacted but correctly stated that the vehicle could not be towed because the Association did not have the proper signage as required by law. Rose planned to speak with the owner of the unit to see if she might have more luck in achieving compliance with the parking regulations. In the meantime, Rose planned to speak with STM Towing to see how many signs would be required to meet the law.

4) Tower Oaks' final plat plans for the Villages at Tower Oaks contained no surprises. The company had notified the Association that blasting would be occurring on the site because rock had been encountered where the sewer lines were to be laid. The contractor also sent a note of apology regarding the day laborer who had wandered from house to house in New Mark asking for food.

Under committee reports, David reported that the Kahn's had responded to his letter but basically denied any wrongdoing, so Van Grack's letter stating that the window needed to be painted or replaced was still appropriate. If the violation was not corrected promptly, prospective buyers of the property would be notified.

Geoff had done a follow-up survey for the community enhancement committee and determined that 34 homes needed to be contacted again. The Board approved the content of Geoff's suggested follow-up letter except for one minor change. Furthermore, the Board agreed that initial notification letters should be sent to 6 additional homeowners to address problems that were noted on the second walk-through.

Rose reported that Bob Walkington, Dale Friend, Jim Denny, and Helen Wolfe had volunteered for the tree committee. The Landscape Committee was a bit miffed that the new committee had been set up, but Rose had explained to them that the purpose of this committee was to come up with an overall policy regarding healthy trees that either overhang the townhouse parking lots, keep grass from growing on the common grounds, or pose a threat to townhouses.

Tom reported that results were not yet back from the borings that were done to ascertain soil conditions under the steps leading to the bridge. He suggested that Rose pay close attention to the bill when it came in because the engineers had to come back a second time to obtain additional samples. Fortunately, the city said that their permitting process would be quite straightforward and should not require the services of any additional engineers.

There was a general consensus from members of the Board that it would be risky not to raise the dues by the 1.6% increase in the CPI as allowed by the covenants. Budget numbers were estimates at best, and overruns in categories such as tree and snow removal or in legal costs could quickly change the association's cash position. Susan moved that the dues be increased by 1.6%. Tom seconded the motion, which passed unanimously. Dick Berman voted by proxy in favor of the increase.

The Board learned that the van and boat with Virginia tags had been removed from the clubhouse parking lot once the article in the newsletter had appeared. A \$25.00 fee for parking in the lot was proposed but gained no support because owners of such vehicles could start parking on the city streets in the community, which would create even greater problems. Jim Denny suggested that all the vehicles could be moved to the side near the trees, which would improve the looks of the lot and would make visitor spaces more accessible. Rose suggested posting signs that would read "Vehicles parked overnight must be registered or you may be towed". Furthermore, the Board agreed that the newsletter should contain a monthly reminder regarding the clubhouse lot parking policy.

Under new business, Tom extended the Board's congratulations to Rose upon her election as Mayor.

Anne Taylor commented that Judy Rudolph had invited her in to observe first hand the problems she was experiencing with her neighbors, including Aaron Nagar's ladder, the water that pooled underneath his downspout because there was no runoff hose, and Ash Parekh's crumbling fence, etc. Anne agreed with Judy that these matters merited attention. David said we could follow up by talking to Van Grack, consulting with T&J, working with the city inspector, and sending out the second round of community enhancement letters. Dispute mediation was also suggested as a possibility.

Susan said she was looking for lights to replace the sconces in the fireplace room of the clubhouse, but most only took 75 watt bulbs, which would do little to add to the brightness. The Board suggested that Susan and Barbara work together on this and suggested that non-residential lighting would probably be more appropriate.

Susan also said that New Mark residents would be providing dinner to the Junes from December 17th - December 21st and that Cindy welcomed calls and visitors, despite her illness. The family was considering an expensive, experimental therapy whose cost would not be covered by insurance. The Board wondered if New Mark could team up with Christ Episcopal Church to help in any fundraising effort. It was pointed out that an entity collecting such funds would need non-profit status.

Anne asked if the city might do something to encourage residents to become organ donors.

Rose reported that Bethany Portner was lobbying the Board to plant a new willow to replace the one that had fallen into the lake. She also said that Pat Godwin had contacted her to find out if he would be violating any architectural control provisions if he bought a trampoline for his children and put it in his backyard. Speaking on behalf of the ACC, David Wolfe said that a trampoline is a temporary structure and does not fall within the committee's jurisdiction.

Susan asked that T&J Lawn Services be instructed not to blow leaves from the common grounds onto private property, as apparently occurred at 1 Basildon Circle.

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