

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
JANUARY 2, 1997

ATTENDEES: Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow, Noel Wilkie.

The meeting was called to order at 7:32 PM by President Barbara Cano. Noel Wilkie of 1 Watchwater Way was present for the community forum. He wanted to bring two matters to the Board's attention:

- 1) *In the common grounds along the Esplanade and across from the lake, there were several large piles of brush in the woods. These piles were probably created by homeowners who gather up many of the limbs and branches that fall from these trees. Noel wondered if the piles could be chipped up and hauled away or put back in the woods.*
- 2) Outside advertisers who place an ad in the New Mark News should receive a copy of the paper. Noel said that his son, Jeff, had advertised for years but never saw his ads. Rose pointed out that most outside advertisers did receive a copy of the paper; that Jeff had probably been overlooked because he had advertised for so long.

Upon a motion by Richard, seconded by Susan the minutes and agenda were approved as read. Barbara Cano abstained since she had been absent. Ken wanted to know who was going to send a letter to the Mayor and Council regarding the Association's opposition to placing an expanded sewer for the King Farm in the parkland along the Watts Branch stream. Dick replied that he had written the letter, which had already been sent.

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

- 1) On Monday, December 30<sup>th</sup>, there was a bomb scare in New Mark. A resident on Vallingby had received a package with no card or return address. Upon opening it, they found something that was ticking and looked very suspicious, with wires connected to a circuit board. Although Vallingby was evacuated, it turned out that the item was a clock that had been sent as a gift.
- 2) Two cars were broken into in the area in front of 880-888 NME. The community owned street light was not working because there was a lack of current. Since this constituted a power problem, only Pepco could correct the situation. Pepco had been contacted but had not yet made the necessary repairs.
- 3) Just prior to settlement, the purchasers of 320 NME were made aware of the fact that their rear deck sat in part on the common ground. At their request, Jeff Van Grack sent them a letter saying that the Association would not suddenly require them to remove the deck, but the letter went on to say that the Association would have to be "held harmless" should an accident occur on the deck. Bob Carty suggested that the letter be recorded with the land records so that future owners would be aware of the problem. Barbara thought it might be sufficient to place Van Grack's letter in the file for 320. There was some discussion regarding the feasibility of selling such pieces of land to the homeowners in question, but this could not be done without a 2/3's vote of the community. Setting a price would probably be difficult, and a complete survey

of the townhouse areas would also be required and would probably cost several thousand dollars.

- 4) Mr. Shi of 112 NME had still not been served papers regarding a notice of intent to file a lien, despite numerous attempts over the last six months by the process server. Therefore, Van Grack had filed a legal request asking that the court accept service to someone other than Mr. Shi, personally.
- 5) Several bids had been received. With respect to whitecoating the pool, the Board wanted to wait at least one more year, given the considerable expense involved. The Board liked the idea of etching the yellow curb instead of using paint, because etching would last so much longer and would improve the appearance of the community, but everyone agreed that we should see how much money was left in the budget next fall before committing funds to the project. The Board also agreed to let another year go by before doing an update of the Association's reserve plan.
- 6) The Board authorized Rose to order the CAI video on satellite dishes, antennas, and the Telecommunications Act. The video could then be passed around until everyone had a chance to see it.
- 7) The possibility of sending a Board member to CAI's "Lobbying Day" on Capital Hill was discussed. Board members agreed to notify Rose if they wished to attend.

#### Committee Reports

- 1) ACC - The Board discussed a letter from Bethany Portner in which she objected to the pink house and the turquoise door in the one hundred block of the townhouses. The Board had discussed the pink house previously and had decided that the color probably would not be found offensive enough for a judge to rule in the Association's favor, should the matter be taken to court. With respect to the doors, the Board decided to ask the ACC to come up with a palette of pre-approved basic colors. Homeowners who choose to paint their doors using one of the pre-approved colors would not have to go through the ACC process. The Board hoped that this would discourage the use of other, more outlandish shades. However, it was mentioned that Edmund Bennett had originally painted the doors in different colors, apparently to give a touch of uniqueness to each residence.
- 2) Property Maintenance - The Board discussed the letter from Ms. Nadeau, of 322 NME, regarding the water problems she was experiencing as a result of the drainage pipes at 324 NME. Rose said that several similar situations existed throughout the townhouse area, particularly in the 200-300 block. Although the Board was not directly responsible, she offered to act as a go-between in this case, since the owner of 324 had just moved in and was probably unaware of the situation. The Board had also received a letter from Neil Stein concerning the unsightly condition of Rupert Curry's back yard. Rose had asked the city inspector to look into this situation again. Although the trees screening the back yard had fallen down in many places, Rose did not feel the problem was as bad as it had been previously.
- 3) Landscape - The Board discussed the Committee's written request to expend an additional \$2721 for further work in front of 254-260 NME. It was the Board's opinion that this area had already been improved immensely and that other projects now had to be given priority over this one. Rose agreed to notify the Landscape Committee of this decision.

Under old business, Rose reported that the new engineer was working on the bridge step design. The sketches, if any of the Board members wanted to see them, were at Jean Rawson's home.

Under new business, Anne said that dogs were still a nuisance in her area, particularly since many people still did not clean up after their pets. Rose agreed to continue printing the reminder to pet owners in the newsletter.

Ken asked if the C&P trucks always had to be parked across from the lake on the Esplanade. He pointed out that the spot was right on a curve, where visibility was extremely limited. If possible, C&P would be contacted to see if an alternate parking spot could be used.

The annual meeting date was set for Thursday, March 20<sup>th</sup>.

The meeting was adjourned at 9:00 P.M.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, FEBRUARY 6, 1997

ATTENDEES:

From the Board: Richard Berman, Barbara Cano, Bob Carty, Ken Misner, Jean Rawson, Anne Taylor

Representing the developer: Bill Kominers, Attorney; Don Rorbaugh, Engineer with Greenhorne & O'Mara; Cliff Foster, The Tower Companies; Gary Abramson, Owner.

From the Neighborhood: Farsta Court - Kyoshi Mizuuchi, Priscilla Kaeser, Leona Cole  
Scandia Way - Bo & Pat Ritter, Kathy Gall, Priscilla Krebs

Vallingby Circle - Bill Taylor, Geoff Becker, Alan Evans

Don Mills Court - Mark Wetterhahn, Rose Krasnow, Mary Hall, Marty Reiss

The meeting was called to order by President Barbara Cano at 7:40 PM. Bill Kominers gave a brief overview of the history of the Tower-Oaks property and of the agreements reached with New Mark Commons. He stressed that the developer was here to ascertain the concerns and wishes of New Mark residents before submitting any specific plans to the city for the land south of Don Mills and west of Farsta, Tapiola, Vallingby and Scandia. Bill pointed out that two parcels of land were involved. The 9 acre school site, currently zoned R-90, had less than six buildable acres due to the existing and created wetlands. Theoretically, up to 48 homes could be placed on that parcel. The remaining land in question consisted of 21 acres and was part of the Tower Oaks comprehensive plan. Again, wetlands and other physical constraints meant that only about 10 acres of this parcel could actually be developed, but the allowable density would permit 170 homes. Bill said that an existing buffer 50 feet in width would remain in place behind Farsta, Tapiola, and Vallingby, and a buffer would remain around the Don Mills Court Infiltration basin. Mr. Rorbaugh then presented two proposed development plans. One called for approximately 63 townhouses, accessed from Wootton Parkway, and 13 single family homes, accessed from Don Mills Court. (8100 foot cluster lots). The other called for approximately 100 townhomes, all of which would be accessed from Wootton Parkway.

It quickly became evident that residents preferred the option that placed a road between the New Mark homes and the new townhouses, rather than having the townhouses back up to the homes on Scandia and Vallingby. In large part, this was a reaction to the fact that the new townhouses at the Villages at Tower Oaks seemed to overwhelm the homes on Scandia and definitely blocked out sunlight. Other questions that were asked included the following:

- 1) What was the smallest number of single family homes that it would be economical to build on the school site parcel? A) It would depend on the density obtained in the entire project. At this point, plans were conceptual in nature. If 20 foot wide townhouses were built instead of 24 foot wide units, more residences would fit, so it might be possible to reduce the number of single family homes.
- 2) Did the plan to build townhouses on this site represent a deviation from the comprehensive plan, which seemed to indicate that the site should be used for a residence inn? The footprint of a 170 unit inn would differ significantly from that of

- 170 townhouses. A) The developer felt that townhouses would not be viewed as a change.
- 3) Didn't the neighborhood plan exclude development within 600 feet of I-270? A) The developer felt that the language of the neighborhood plan could be reinterpreted to allow homes closer than 600 feet.
  - 4) Couldn't the single family homes be accessed from Wootton Parkway? A) This was a possibility, but it would require the single family homeowners to drive through the entire townhouse area, which would negatively affect the market price of these units. Originally, New Mark wanted these homes to be part of the community, because they would bring in additional dues revenue.
  - 5) What would be the price range for the townhomes? A) Low to middle 200's.
  - 6) Why couldn't townhouses be built that were similar to those on Tegner, since these were only two stories high and had always sold rapidly? A) Builders do not like to be creative. Wider townhouses also mean that fewer than be built, which affects the bottom line.
  - 7) How long would it take to complete the development in this area? Residents have already been putting up with the sounds of hammering and bulldozers for more than three years. Noise starts before 7 A.M. and construction work occurs on Saturdays and Sundays as well. A) Residents should contact Tom Miller of the Tower Companies to insure that all noise regulations were being observed.

Before departing, the developer asked that the community try to determine its preferences for the development within the next ten days.

The meeting continued with only members of the Board, Mark Wetterhahn and Marty Reiss. Rose distributed copies of the Amendment to the 1992 agreement with Tower Oaks. Mark explained that the '92 agreement came about when Tower Oaks decided to use some of the land near New Mark for wetland mitigation. The advantage of these wetlands for New Mark was that this land could never be developed, thus buffering parts of the community. However, the earlier agreement gave Tower Oaks permission to access the school site from Don Mills Court without permission of the community. This amendment gives New Mark control over the access issue, as well as setting forth parameters for buffering the infiltration basin. The basin has been constructed, and Tower Oaks abided by the terms of the amendment even though it wasn't signed. Dick moved that the President be authorized to sign the amendment unless members of the Board, upon reading the amendment, had significant questions. Ken seconded the motion, which passed unanimously.

There was also discussion regarding the best way to determine the community's preference for the development options that had been presented that evening. Barbara thought we should poll people and submit the results, because it seemed clear that everyone would not agree. Mark felt that even though the developer said there were only two options to choose among, many other choices were really available. Marty wanted to know why we should let Tower Oaks encroach upon the buffer around the infiltration basin. Mark agreed to schedule a meeting in the next few weeks to give interested persons to voice their opinions.

The minutes, as amended to correct several typographical errors, were unanimously approved upon a motion by Jean, seconded by Anne. The agenda was also approved.

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

- 1) Dues - Although the February 1<sup>st</sup> due date had come and gone, 67 people still owed dues. This was fairly typical.
- 2) T&J - The Association's landscaper had come out on February 4<sup>th</sup> to take a look at those areas that could benefit from winter pruning. Rose had also asked T&J to provide proposals for several areas including the wooded area near 316 NME and the retaining wall adjacent to 876 NME. In the past, T&J had been lax in producing requested proposals.
- 3) The city had established a community web group, known as Rocknet. Rocknet had asked for information on the New Mark Commons Homes Association so that this could be added to the wealth of online information for the city.
- 4) The re-use proposals for the jail appeared to be worse than the jail itself. In addition to central processing and a 200 bed weekend holding facility, the juvenile detention facilities might also be relocated from Noyes to MCDC. Moreover, as currently proposed, all prisoners from Clarksburg would be brought back to MCDC for release. The Board took no action but was glad to hear that the neighborhoods nearest the jail were actively monitoring this situation.
- 5) New tenants at 158 NME were creating a noise problem, because a male teenager was holding loud parties. Several neighbors had called to complain and the police had been called at least once. Rose said she would notify the landlord (who resides in Florida) of the problem.
- 6) The wet basement problem at 322 NME was apparently not being caused by 324 NME. 324 had already installed a sump pump and had no water problems. The front downspouts for 324 were located adjacent to 326, not 322. It was possible that reconstructing a community owned sidewalk that had settled might help correct the problem. This would be explored once the weather warmed up.
- 7) The Flaishers, of 266 NME, had reported a problem with a backup in their house. They felt it was being caused by tree roots from a community owned tree to the front of their home. Rose was quite certain that the sewer pipes were in the back of the home. Bob Carty offered to look into this problem.

Under old business, Rose said that the new owners at 320 NME were still unhappy with our attorney's letter which stated that the Association would not require the current owner to remove their deck from the common grounds. The property owners felt that this agreement should be extended to cover all future owners of the property. Barbara Cano felt that the attorney's letter was actually too loose. She felt that it should have stated that should the current deck need to be replaced, it could not be rebuilt on the common grounds. Bob agreed, stating that if any future owner was given the right to have a deck on association land, this was tantamount to giving the land away, which would violate the Board's fiduciary responsibility. Rose said that she would let the owners know that they would do better to leave well-enough alone.

Rose said that she was meeting with the engineer for the steps on Wednesday, Feb. 12<sup>th</sup>.

In earlier conversations, they had agreed that both a building permit and a sediment control permit would probably be needed. Mr. Butson also said that he felt the project could be done within 45 days, and that he suggested that a \$250/day penalty clause be included in the contract.

Under new business, Rose asked if anyone had ideas regarding a speaker for the Annual Meeting. Other than the developer of downtown Rockville, no suggestions were forthcoming. Rose also announced that Mr. Parker, of the John Tracey Group Home on Maryland Ave., would be attending the March meeting. Anne and Barbara both said they would be away for that meeting. Anne wanted to know who would be held responsible if something happened to one of the children at the group home when they were out "after hours".

Upon a motion by Bob Carty, seconded by Ken, the meeting was adjourned at 10:40 PM.

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, MARCH 6, 1997

ATTENDEES: Richard Berman, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Rose Krasnow, Joe & Billie Jordan. Guests: Ivan Parker, Program Director of the John C. Tracey Group Home, Jeff Song, Senior Counselor, Heidi Cohen, Social Worker.

The Meeting was called to order at 7:40 P.M. by Vice President Richard Berman. Joe and Billie Jordan were present at the Community Forum to appeal a recent ACC ruling. The Jordans wanted to replace their front door with one containing glass inserts to allow light into an otherwise dark foyer. They pointed out that the doors at 326 NME and 334 NME had such inserts as well as the door at 200 NME. They acknowledged that the ACC guidelines said that all doors should be plain panel doors with no inserts, but since the precedent had already been set by these other doors, they did not understand why their request should be denied. It was pointed out that the other three homeowners had not gone through the ACC process and no one had complained, so the Board never had reason to take any action. The Jordans felt that this was unfair to those people who adhered to the ACC process. They pointed out that their house did not have the glass side panel that most of the homes had and that a powder room adjacent to the front door kept them from putting one in. Ken Misner said he had no problem with allowing a door with glass inserts, but in going to see their home he had noticed that their front light fixture was broken. The Jordans said that they had purchased a new one, which Jim Denny was going to install. The Board agreed to discuss the matter further under new business later in the evening.

The Board then heard from Ivan Parker, Program Director of the John Tracey Group Home on Maryland Avenue. Mr. Parker had been invited to discuss the management of the home because neighborhood concerns had grown when residents of the facility stole and totaled the Rawson's van in October. Mr. Parker explained that 8 boys live in the home. Those referred by the Dept. of Social Services usually have been abused or neglected. Those referred by Juvenile Justice have already committed some type of crime. They are sent to the group home when they are deemed ready to handle a less restrictive environment than that found at the Noyes Juvenile Detention Facility. When the Rawson van was stolen, 4 new boys had just moved in, creating an unusual situation. Mr. Parker pointed out that the boys, who usually are between 15 and 16 years of age, have never really been disciplined or given a routine before. In the group home, life skills are taught and the daily routine is quite regimented. However, the boys can walk away if they choose. He said that even though staff reviews the application of each boy seeking admittance, it is hard to know in advance who will work out. Moreover, when a boy doesn't fit it, it takes a while to get them sent elsewhere. Jean wanted to know what we could do to require the home to have 24 hour awake supervision. Mr. Parker said that the windows were alarmed, and usually the alarms work. Jeff pointed out that the counselors frequently stay up until 2 or 3 in the morning. Bob asked if the security procedures were adequate. Mr. Parker said that the county reviewed the home's license every other year, while the state license is renewed annually. The home does meet the

state's guidelines for supervision. Mr. Parker said it would be great if residents of New Mark would volunteer to serve on the Board of the Boys and Girls Homes of Maryland Inc. He also said that he could come to a New Mark Board meeting every other month or so to report on the type of children staying at the home. However, the Board felt this would only increase anxiety levels in the community. A concern was voiced that the vandalism in the community might be caused by boys in the home. Heidi pointed out that there were other shelters in the area, such as the one at 209 Monroe St. Rose agreed to talk to Mr. Parker from time to time to keep the lines of communication open. All of the guests were thanked for taking the time to come to New Mark.

Upon a motion by Jean, seconded by Ken, the minutes were approved as written.

Under her administrator's report, Rose detailed the following:

1. Twenty people still had not paid their dues. Legal action had been taken against two, and several others were paying in installments, although they did not always meet the scheduled payments dates. Some people still owed dues from 1996, a situation that had almost never occurred before. Rose wanted the Board to be fully aware of the growing problem. Ken moved that a formal letter be sent to everyone who was delinquent stating that the Board had reviewed the situation and that legal action would be initiated if payment was not received by a certain date or if a payment schedule was set up but not adhered to. Susan seconded the motion, which passed unanimously. Susan recommended that a newsletter article explain the need for the stricter policy and the costs involved if a lien is initiated. The Board then turned its attention to a letter that was received from Bahram Moradi at 878 NME. Mr. Moradi stated that he wasn't paying his dues because the piece of common ground in front of his home had not been landscaped. Rose pointed out that the Association had removed a large tree from that spot at Mr. Moradi's request because it had grown too large and posed a danger to the surrounding homes. A small retaining wall had then been built and the area was mulched. Landscaping bids had been solicited, but all came in at more than \$1000. The Board recognized that Mr. Moradi had no right to withhold his dues. Dick moved that the Board not even consider doing any work on the common ground in question until the dues had been paid. Ken seconded the motion, which passed unanimously.
2. Jim Denny had created a new room in the storeroom of the clubhouse to house the vats of chlorine in a safe manner. The vats had been moved out of the pump room last year to give the guards room to maneuver, but it seemed dangerous to have them sitting out in the storeroom because that room was not always locked.
3. Sport Systems was going to prepare an estimate for repairing the cracks in the tennis court.
4. A contract had been signed with EQR for 1997 lake maintenance. Two of the bubblers were not working. EQR suspected that they needed new carbon vanes, which cost \$100.00 each. The fountain would be returned to the lake in April.
5. Dee Farrell had written to request permission to do some landscaping on the common grounds across from her home at her expense. The Board was very receptive to the idea but asked Rose to get more specific information regarding where the work would be done and what type of landscaping Dee had in mind. A newsletter article

was also suggested, which would offer thanks to residents such as Dee who were willing to help out the community in this way.

6. CAI was holding a two part seminar on reserve funds. Ken Misner agreed to go on behalf of the Board.
7. Attorney Jeff Van Grack had written a letter as part of our audit, stating that there were no outstanding matters that would negatively affect our financial position. Due to attorney-client privilege, Van Grack wanted an officer of the Board to sign off on the letter before it was sent to Mr. Loeb. Dick Berman signed the letter.

Under old business, the Board discussed the lake steps. Jean and Ken were upset that the proposal called for iron railings rather than wood. Bob suggested that we ask our step designer, Gary Butson, to handle the landscaping, since he is a landscape architect, and that he should also be hired to supervise the construction work. The Board was also concerned about the need for lighting and garbage cans. Rose said she would set up a meeting with Mr. Butson to incorporate these elements. Ken offered to attend as well.

Under new business, the Board considered the Jordan's request to be allowed to install a door with glass inserts. There was considerable division among board members about whether any flexibility should be allowed with respect to doors. However, Dick moved that we not render any decision until the broken front light fixture had been replaced (The fixture had been broken for at least two years). Susan seconded the motion, which passed unanimously.

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

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, APRIL 3, 1997

ATTENDEES: Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner. Jean Rawson, Anne Taylor, and Rose Krasnow.

The meeting was called to order at 7:35 P.M. by President Barbara Cano. No one was present for the community forum. Upon a motion by Anne, seconded by Ken, all of the officers were elected to serve a second term, including Barbara Cano, President; Dick Berman, Vice President; and Susan Klise, Treasurer. The minutes and agenda were approved upon a motion by Dick, seconded by Jean. Barbara Cano and Anne Taylor abstained, since they had not been present at the March meeting.

Under her administrator's report, Rose addressed the following issues:

- 1) Montgomery Mutual Insurance had reclassified New Mark from a pool facility to a townhouse community. As a result, rates would increase by 25%, or an additional \$2500. Attempts to get quotes from other agencies had been unsuccessful. Some handled only condos, another refused to give a quote unless the diving board was removed. John Manougian Insurance, which provided our Director and Officer's coverage, was trying to come up with a bid but the swim team was making it difficult. Since New Mark's current policy would expire at midnight on April 10, Bob Carty moved that the Board authorize Rose to sign with the company that seemed to have the best coverage at a good price. Jean seconded the motion, which passed unanimously. If Montgomery Mutual's price turned out to be a little more expensive than another company, the Board felt it would make sense to remain with them, since their service has been excellent.
- 2) A large tree had unexpectedly fallen across the entrance to the 200-300 block but no vehicle or person was injured. Jim and Rose cleared the driveway to allow vehicles to pass, and Bonifant came in to remove the rest of the tree. 1 ½ pear trees came down during the high winds experienced earlier in the week and were removed by the city. Tom Bonifant also quoted prices to spray the hemlocks in the 200 block and on Harlow Court (\$140), to remove the pine behind 226 (\$950), and to reduce the sail in a large, leaning oak near the pool. Tom suggested three options for the oak. We could do nothing, reduce the sail (\$700 - \$800), or remove the tree altogether (\$3000). Jean moved that we reduce the sail. Ken seconded the motion, which passed unanimously. Ken pointed out that as the community ages, trees will become a bigger problem. Barbara said that we will need to plant replacement trees.
- 3) Our attorneys, Lerch, Early and Brewer were holding a morning breakfast meeting in Frederick to address several issues of concern to New Mark, including insurance, satellite dishes, and reserves. RSVP's were needed by April 13<sup>th</sup>.
- 4) Dues continue to trickle in. As of April 3, 11 people still owed dues in full, while 2 owed partial amounts. Rose said that she had called all those in arrears. One was experiencing major financial hardship and had been granted an extension. Several others promised checks forthwith. Rose said a formal letter would now be sent out.
- 5) The City's Action Fair would be held April 12 and 13. Tickets were distributed to Board members. The Fair was the last step in the City's Visioning Process.
- 6) A New Mark resident wondered if there was any interest in hanging a bat house at the lake. Bob Carty agreed to find out some of the pros and cons of such a step. There

was some concern that bats carry rabies, but they also consume thousands of mosquitoes.

Under architectural control, Rose reported that after consultation with Attorney Jeff Van Grack, a door with glass inserts had been approved for the Jordans at 328 NME. Jeff said we could not tie consideration of the application to the repair of the front light fixture (However, the fixture was replaced). He said that if we had sound business reasons for allowing the glass inserts as a special exception, he thought we could go ahead and do so. Rose also said that a homeowner at 802 NME wanted to build steps from her back fence down to the grassy area along the Esplanade. Since the land was Association property, would the Association pay? Several other homeowners had installed similar steps, at their own expense. The Board was willing to let her build and maintain the steps at her own expense, if the ACC approved the application.

Rose reported that neither Curl Swim Services nor T&J were delivering top notch service. Rick Curl was not returning phone calls. Chemicals to clean the pool were delivered with no prior warning and were left standing outside the pool gate, creating a dangerous situation. A swim team coach had not yet been hired. The Board agreed that Mr. Curl should be asked to appear at the May 8<sup>th</sup> Board meeting. T&J had set up a walk through the community and had done a good job with the spring mulching. However, they still had not cleared out debris they left in the community mulch pile, nor were any proposals forthcoming that had been requested.

Under old business, Rose and Ken said they had met with Mr. Butson, the engineer, and had agreed that landscaping and garbage cans would be left out of the specs. Mr. Butson still felt strongly that the railings should be iron. Wood would not hold up as well and was harder to hold onto. Rose had checked with our electrician, who felt that lighting could be added by extending the wiring through a conduit under the bridge. Rose recommended that Board members take a look at the steps designed by Mr. Butson at Glenview Mansion. These steps included a stone cheek wall that was very attractive. Mr. Butson felt the wall would increase the cost of the project by about \$10,000, but he still thought the total cost would come in under \$50,000. Board members were asked to let Rose know by April 15<sup>th</sup> whether or not they wanted to add the stone wall. Once the specs were in hand, Rose wanted to talk to Palmeiro Construction, which had done several excellent jobs for the city. If their price turned out to be reasonable, it was felt that it might not be necessary to go out for bid. The project would not be constructed until after July 4.

Under new business, Rose asked if the community could purchase a top-notch pool basketball hoop for \$534.00. Susan moved approval of the idea. After a second by Bob Carty, the motion passed. Ken Misner abstained.

The Board agreed to hold the May meeting on May 8<sup>th</sup>, the second Thursday of the month, since Rose would just be returning from a trip to Europe on the 30<sup>th</sup>.

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, MAY 8, 1997

ATTENDEES: Richard Berman, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow and Rick Curl.

The meeting was called to order at 7:32 P.M. by Vice-President Richard Berman. No one was present for the community forum, however Dick mentioned that there were problems with noise at 158 NME. Two teenagers at that address liked to throw parties, and their mother was frequently away. The party guests also tended to park in reserved spaces. Rose said that the landlord lived in Florida, but she said that if the parking violations were reported to the Association, the cars could be easily towed. Neighbors needed to continue reported noise problems to the police.

After pointing out a few typographical errors, Jean moved that the minutes and agenda be approved as amended. Anne seconded the motion, which passed unanimously.

Rick Curl, pool manager, apologized to the Board for mistakes that had occurred prior to the pool's opening. He said that Schirmer's should never have left the chemicals outside the gate, and that the driver must have been very new because the liability was tremendous. He said that he did not recall contacting the association in the past regarding the date the pool would be cleaned. Rose disputed this, however, because she pointed out that she had always encouraged Curl to wait as late as possible to avoid the increase in electricity costs that occurred as soon as the pumps were turned on. Clearly, the first week in April was viewed as extremely early. In addition, she said that the Association needed to know the date in advance, to be sure that someone renting the clubhouse would not be inconvenienced. Indeed, an all day seminar was being held on the date Curl unexpectedly showed up, and the noise of the compressor was difficult to work against.

On a more general note, Rick said that the pool passed inspection on May 7<sup>th</sup>, but anti-scald devices were still needed on the showers. While preparing for inspection, it had been necessary to replace one underwater light, the flow meter, several skimmers and six weirs.

Rick again apologized for the need to change swim coaches before the season even began, but Sergio had taken a full time job in Arizona. Because the new coach, Jackie Bak, might have to miss some afternoon practices in July, Rick said he would find someone to conduct some extra stroke and turn clinics.

Rose asked Rick whether Maria Young would be working at the pool this summer. Rose had heard that Maria wanted to come back, but the pay being offered was too low. Rick said that it was really Maria's schedule that prevented her from coming back; but she would be a substitute throughout the year.

Jean asked why no one came to turn off the pool water once the pool was filled. Rick said his staff clearly miscalculated when the water would reach the top. He claimed someone would have appeared that Sunday evening, even though no one had by 7 p.m.,

when Rose turned off the water herself. It appeared to Rose that the water could have been turned off around 3 p.m.

Rose asked Rick to be sure that all the appropriate signs were posted before opening day. These included the sign for lap swimmers, the baby pool sign, and the signs asking people to shower before entering the pool. She also asked for a bigger outdoor clock. There was some discussion about putting matting on the shower room floors, but Rick said that the mats were expensive and difficult to clean.

Before Mr. Curl left, Susan pointed out to him that we had ended the '96 season on a very bad note and we seemed to be starting the '97 season in a similar way. After Rick departed, Jean suggested that we seriously consider not using Curl for the third year of their contract, since we could document specific problems. While not disagreeing, Rose did remind the Board that it was hard to find a good pool company. Curl was our third since Tim had left, and we were even more dissatisfied with some of the others.

The Administrator's report covered the following:

- 1) John Bell claimed he was going to foreclose against Yining Shi, the owner of 112 NME, who had gone to China and not come back. Mr. Shi owed the Association well over \$2000 in back dues and legal fees. In the event of foreclosure, New Mark would lose out completely, since state legislation that would have corrected this situation failed at the 11<sup>th</sup> hour in Annapolis. Van Grack said he would try to determine whether or not the threat of foreclosure was real. Rose wanted to know if the Board would be willing to accept a payment of back dues only, without any of the legal fees. There was a consensus that we should try to get as much as possible, but that something was better than nothing.
- 2) Rose reported that there had been a rash of car thefts in New Mark and the surrounding area over the last two weeks. The police had just arrested four juveniles, and all were residents of the John C. Tracey Group Home. The Board asked if the City could approach the state regarding this problem. Rose felt that the City could certainly write a letter stating the seriousness of the problem and the adverse impact on the community.
- 3) The tennis court had developed some serious cracks. A bid for \$950 had been received from Sport Systems. Jean moved that we proceed with the repair. Ken seconded the motion, which passed unanimously.
- 4) Our insurance had been renewed with Montgomery Mutual because no other local company was even willing to submit a bid, due to issues such as the diving board, the swim team, or the lake. The Board agreed that Rose should follow up on some ads in the CAI publications for insurance companies located in other parts of the country which apparently offered homeowner association coverage.
- 5) It was agreed that Dick Berman should contact Mike Miller to get the spring community enhancement survey underway.

Under old business, Ken moved that we accept the step plan as presented and proceed with to get a bid from Palmeiro. Bob seconded the motion, which passed unanimously. It was understood that if the bid came in within our price range, we would not try to get additional bids, since this contractor's work was known to be of high quality.

Under new business, Rose was asked to put another article in the newsletter asking people to keep their dogs and cats under control.

Rose also said that Tower Oaks was stilling waiting to hear which of the two options New Mark would prefer for the development of the land south of Don Mills Court. The Board hoped that Mark Wetterhahn would call a meeting of those affected to make a decision; if not, Rose was instructed to set up the meeting herself.

The Board agreed that the June meeting would be held on the second Thursday of the month (June 12) because several people could not attend on the 5<sup>th</sup>.

The meeting was adjourned at 9:35 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, JUNE 12, 1997

ATTENDEES: Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow

The meeting was called to order at 7:40 PM. No one was present at the community forum, but the Board discussed a letter written by Alan Terhaar regarding the John C. Tracey Group Home. Everyone felt that we should find out exactly who was funding the facility. Bob Carty offered to talk to Chuck Short and Bennett Connolly to see if the County could withhold its subsidy until all problems had been addressed. Ken wondered if the state could be sued in the event of a problem. It was agreed that the District 17 Delegation should be notified of the problem. Susan said that the West End and the blocks on the other side of Monument Park were very concerned. Jean suggested that the city's letter, along with Alan's letter, be sent to Jim Vitol, President of the West End. The Board wanted to determine who licenses the facility and whether any similar problems had been experienced with the Monroe Street Group Home. Bob moved that we allow Rose and others to determine who were the key people with respect to the home. Then, together with representatives of other neighborhoods, we could go directly to those in charge with our request for change. Jean seconded the motion, which passed unanimously. It was agreed that a meeting of the affected neighborhoods could be set up, possibly at City Hall.

Several other items were brought up by Board members under the community forum portion of the meeting. Barbara said that the kids from Julius West were still walking down the middle of the street and causing other problems. (Rose said she would notify the principal of JW). Susan said that she had received a complaint that the bathrooms at the clubhouse were a dirty mess, but she checked them out and did not really agree. Barbara said that the climbing rose along the bike path as one neared Maryland Avenue needed to be trimmed back. Anne said that something still needed to be done about cats that were allowed to roam at large.

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

- 1) Dues - 50 people still owed dues, which were payable in full by June 1<sup>st</sup>. This number, however, was not really higher than usual. It was not clear whether we would receive any funds from 112 NME, since John Bell was foreclosing on the property. In Maryland, the Association has no standing once a foreclosure occurs. Jeff Van Grack was hoping that Bell would agree to pay at least part of the total \$2500 owed. Barbara asked if we really charge by the number of bedrooms. Rose said that the dues were based on the original number of bedrooms, rather than the number currently used as bedrooms, because that would be too difficult to keep track of.
- 2) Maintenance Issues - The tennis court cracks had still not been repaired, but the company had recently written to point out that the rainy, cool spring had delayed them. Rose also pointed out that she was having trouble getting Jim to address some

of the projects that needed doing, such as putting down wood chips on the path by the side of 246 NME. Bids had been received from JL's Landscaping, and Rose wanted authorization to proceed with an outside contractor. Bob moved that Rose be allowed to spend up to \$2100 on such projects. Jean seconded the motion, which passed unanimously.

- 3) Rose had given the guards permission to close the pool early on a few evenings because the weather was so cold. However, she wanted to know if a general policy should be established for cold weather, rain, etc. The Board felt that there could be no hard and fast rule. On each occasion, the guards should check with Rose, or with Susan if Rose was not available.

Under old business, the Board discussed the bid received from Palmeiro Construction regarding the step project. Rose said she would be meeting with the contractor and the engineer to make sure that the nature of the project was fully understood. Bob moved that we accept Palmeiro's bid as long as it did not exceed \$30,000. Dick seconded the motion, which passed unanimously.

Rose said that Mark Wetterhahn did convene a meeting to discuss the two Tower Oaks options, but the group had agreed to disagree. A letter was being sent to Tower Oaks in that regard. However, Rose said it appeared that the City would consider a change from a Residence Inn to a townhouse development to be a substantial deviation from the comprehensive plan. This would require an amendment to be submitted, which New Mark could certainly oppose. Bob Carty said that his main concern was that there should be no access or egress through New Mark for any of the proposed units. Barbara said she might not object to a small number of single family homes off Don Mills Ct., but the number had to be quite low.

Under new business, Rose mentioned that the development proposed for the Chestnut Lodge property would not directly impact New Mark, but that it appeared that it would be a very dense community of 149 homes.

The meeting was adjourned at 9:35 PM.

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, JULY 10, 1997

ATTENDEES: Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Anne Taylor, Rose Krasnow, Jim Denny, Marcia Wilson, Amparo Torres, Robert Torres

The meeting was called to order at 7:40 PM by President Barbara Cano. ACC Chairperson Jim Denny explained to the Board that the application received from the Torres's of 212 NME did not include any signatures, but both of the adjoining neighbors (at 210 and 214 NME) had written to the Association stating that they were opposed to any modifications because of ongoing problems with the Torres's. In the past, they had built on property they did not own; had dumped a pile of dirt in back of their home on the common ground, and so forth. In light of these comments, the ACC gave the Torres's permission to replace the fence between 212 & 214 NME with an identical fence, but had withheld any further decisions until the Board could review the situation. As it turned out, the fence that was installed was not identical because one of the posts was buried in a block of concrete, not in the ground. Moreover, the Torres's had gone ahead and built two raised beds, even though several drainage questions needed to be addressed. Bob Carty made it clear that there should be no further encroachment onto the common grounds, which ruled out any possibility of putting a bench around the pine tree. Jim recommended that the new fence be rebuilt so that the second of the two panels would be stepped down, with the post embedded in the ground. The Torres's said that they still wanted the fence between 210 and 212 NME replaced because it was infested with some type of bug. Anne suggested that code inspection for the city be brought in. A property maintenance letter could also be sent to the owner. Once the affected parties departed, the Board discussed the issue at length. Bob moved that the Board withhold a decision pending an evaluation of the drainage impacts, clearance of the pile of dirt and other detritus, removal of the old fence that was currently leaning against a tree in front of the townhouses, and stepping down the fence. Susan seconded the motion, which passed unanimously. It was agreed that members of the Board should go over and take a look at the problem before the August meeting.

Rose then outlined the situation involving Sonia Kasses of 272 NME and Barbara Young of 270 NME. The Kasses recently relandscaped the area to the front of their home without informing Ms. Young of their plans. In doing so, they used a white scalloped concrete border to edge the area. Part of this border encroached upon the land belonging to the Association and in front of Ms. Young's home. Normally, the ACC did not regulate these landscaping borders, since they are temporary in nature. Similar borders had been installed throughout the community, although typically the color employed was either brick or gray. The white edging definitely stood out. There was a general consensus that the Board could ask Mr. & Mrs. Kasses to remove the border from the Association's land and to replace the white concrete with a border of a different color. However, once again Board members wanted to view the property before rendering a final decision.

Rose also mentioned that the Reed's had put a basketball hoop on their garage at 19 Bentana Way without filing an application, and that this was pertinent because the ACC had just rejected a request for a hoop at 4 Cumbernauld Ct. The Hoover's, of 7 Tegner Ct., had also replaced their fence without permission. It was agreed that a newsletter article should be written to remind residents that a failure to apply could end up costing the homeowner quite a bit of money.

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

- 1) Dues - 23 people still had not paid their dues. Several of these were absentee owners, two people were involved in divorce, and one person had died. Lien proceedings had been initiated against 3 of these. The Board discussed the possibility of increasing the late fee to \$25.00/month. In addition, there was a sense that if a homeowner wanted a negotiated payment plan, the payments should cover the entire amount owed before the next billing cycle began. The Board tabled the matter until the next meeting to give people time to consider the issue further.
- 2) Vandalism - On Sunday, June 6<sup>th</sup>, the pool was broken into. In addition, there was a beer party at the picnic tables near the tennis courts, and someone painted brightly colored graffiti on the back wall of the garage.
- 3) Fourth of July - The celebration at the pool very successful. However, at least two residents felt that the crowd that gathered at the lake to watch the fireworks was too large and too rowdy. They were concerned that the Association was liable if someone was injured while sitting on the hill. An abnormally large number of vehicles was also parked along New Mark's public streets, which seemed to indicate that a large part of the crowd did not live in the community. The Board could not come up with a good solution for dealing with this problem. One suggestion was to hire one or two security guards for the evening. The Board also wanted to hear about the problems first hand from those who were unhappy.
- 4) Maintenance Issues - The flagstone patio behind 216 NME was being lifted by tree roots from pine trees growing on the common grounds. At issue was whether the homeowner or the Association was responsible for alleviating the problem. Generally, the Board felt that it was up to the homeowner to take action, however, they agreed to look at the area when they went to observe other ACC issues in the 200 block. Another maintenance issue involved the sewer pipe at 264 NME. The owner, Fred Ducca, has experienced several sewer backups over the past few years. Each time, the blockage was found to consist of tree roots from trees located on Association. Mr. Ducca would like his sewer pipe relocated. The City suggested that a new pipe, impervious to roots, could be laid in the same location. However, Barbara Cano pointed out that hardware stores sold a substance that, when put in a toilet, was supposed to destroy tree roots. Ken agreed to look for such a product, since everyone felt that this would be a much more economical solution.
- 5) Contracts - EQR submitted a proposal for \$700 to do a computer image that would show what the lake would look like if the water level were dropped 1 ½ feet. The Board was not interested. Danny Sivert had submitted a bid for \$12,600 to do the asphalt work in the 200-300 and 500 blocks of the townhouses. Ken moved that we accept the bid. Anne seconded the motion, which passed unanimously.

Under old business, Rose said that the step project had been delayed for a few days because of permitting problems at the city. Rather than applying for a sediment control permit, which automatically triggered the need for a forest preservation permit as well, the builder was able to get a public works permit that would still require adequate sediment control. Many of the plants had been removed from the planters adjacent to the bridge. The azaleas were planted at the front entrance, and the hostas were planted in the area in front of Linda Silversmith. The only outstanding problem was that the bench manufacturer did not have the benches in stock, so there was a 6 - 8 week lead time. The engineer was looking for other options.

The Board discussed the letter that the Mayor had received from the State regarding an unannounced inspection of the John Tracey Group Home. Ken pointed out that things were still happening in the neighborhood, e.g. a car had been broken into in the parking lot of the Jehovah's Witnesses and a young resident of the shelter claimed to have been abused. The Board was not certain whether the action items suggested by the state were merely recommendations or directives that had to be implemented. There was also a concern about faulty placement of children who should have been sent to a more secure location. In light of the ongoing concerns, the Board agreed that the affected neighborhoods should be called together in September. Bob suggested that we write a letter back to the state, letting them know of the ongoing problems and suggesting that a meeting be held.

The Board briefly discussed the Tower Oaks issue and expressed the hope that the City would hold firm in their opinion that townhouses in the area south of Don Mills Court represented a substantial deviation from the concept plan. This would make it more difficult for Tower Oaks to proceed.

Under new business, Anne said that the landscape crew had broken her car window when a rock flew up from a lawn mower, but that T&J promptly paid for the damage. Rose said that she had just received a bill from T&J for \$2400 to cover leaf removal costs from last fall. No one had ever spoken to her about the need to go over the 300 hours specified in the contract, nor had an earlier bill been received. The Board felt that the bill should not be paid.

A suggestion was made that the Association might wish to purchase a Polaroid camera for the ACC. Pictures could be taken before any work was done to provide a record just in case any questions arose about what had been there before (Ex. The Torres's fence).

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

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, AUGUST 7, 1997

ATTENDEES: Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow, Marcia Wilson, Glenn & Neeta Wolf.

The meeting was called to order at 7:35 PM by President Barbara Cano. The neighbors on either side of the Torres family (212 NME) were present at the community forum to state that they wanted the Torres's to stop encroaching on the common ground behind their row of homes. The neighbors had opposed the work the Torres's had done in front of their home, and now it was almost impossible for the garbage men to access the garbage cans. They felt that rules meant nothing to the Torres's and they hoped the Association would take the Torres's to court over this encroachment. Ken pointed out that many residents had encroached upon the common ground over the years in order to add some landscaping. Glenn Wolfe thought that merely the threat of legal action, coming in the form of a strongly worded letter from our attorney, might be sufficient, because the Torres's apparently were not well off enough to defend themselves in the event of a lawsuit. Not everyone felt that the Torres's actions were that objectionable. Ken mentioned that planting a bush to hide the concrete fence footer would be far easier than any legal solution. However, there was some discussion as to why the Association should have to expend funds to ameliorate the mistakes of a homeowner. Dick suggested that a letter be sent to the Torres's, defining the property lines and informing them that they must remove all furniture and debris from Association property. Both neighbors were willing to try the city's dispute resolution process, if the Torres's would agree. Marcia pointed out, however, that she is quite terrified of her neighbors; that as many as 10-11 people seem to live in the home at various times, and that they all seem to have bad tempers. She said she has seriously considered moving.

Adriana Murphy, pool manager, attended the meeting to assess the summer season to date and to inform the Board of areas that needed to be repaired or addressed. Her list included the following:

- 1) The ladder in the well area was broken.
- 2) One pool light in the same area of the well was not working.
- 3) The outside faucet on the wall of the clubhouse is broken and cannot be used.
- 4) The filtration system for the baby pool periodically shuts itself off. Staff then must maintain the necessary chemical balance manually.
- 5) When the baby pool filtration was separated from the large pool, the old flow inlets remained. The plastic covering these inlets never seems to remain in place, leaving some ragged edges exposed in the pool.
- 6) The wooden shade structure over the shallow end of the big pool has become somewhat rickety and should probably be replaced.
- 7) A new white coat appears to be necessary before the pool reopens in '98.
- 8) Recaulking is needed around some of the coping stones.

- 9) The guard chair in the corner does not swivel well, making it harder for guards to watch both ends of the pool. A different chair position might be desirable.
- 10) A shade canopy is desired by several residents.
- 11) The back board needs a head and neck stabilizer.
- 12) It would be nice to have floor mats throughout the dressing rooms and bath rooms.
- 13) The shower curtains need replacing.
- 14) A new rope is needed to delineate the well area.

Adriana also suggested that staff is overworked, because Curl does not hire enough guards. She recommended at least 7 guards, and suggested that there should be one manager and two assistant managers. She felt the pay was low, and there were no incentives offered by management to entice the guards to stay later in the season or to work harder. She said Rob always came at least once a week and that major problems were addressed quickly, but minor problems were not handled efficiently. For example, it took months to get a new skimmer net and the needed parts for the pool vacuum. Before Adriana left, Barbara Cano also remarked that while she did not let her son into the big pool because he wasn't potty trained, she frequently saw others who were disregarding this rule. Adriana said that at least some of the children were wearing new suits that had been designed specifically for non-potty trained children. Rose asked for more information regarding these suits; it was possible that the rule needed revising.

Members of the Board pointed out a few typographical errors in the minutes. Ken also said that the car he had spoken of in the Jehovah's Witness parking lot was not stolen. Upon a motion by Ken, seconded by Anne, the minutes and agenda were approved as amended.

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

- 1) Drainage issues - A petition had been received from residents of the 332 - 338 NME asking for help in addressing a serious drainage problem on the common grounds behind and in front of their homes. Becht Engineering was contacted and agreed to examine the situation and provide some estimates as to the nature of the problem and how it might be solved.
- 2) Landscape Contract - The 3 year contract with T&J would expire this year. STM Landscaping walked the site with Rose and agreed to submit a proposal. A request for bids would be sent out to several other firms as well to enable the Board to make a sound decision during the budget process.
- 3) Concrete work - The proposal received from Facility Service Company came to almost \$11,000. Since this company had done the work quite efficiently last year, Rose had planned to use them again. However, Susan Klise had just made her aware of the fact that her driveway had cracked substantially after less than a year. It seemed that concrete work never lasted the way it used to, no matter who did the work. Nevertheless, Rose had given Danny Sivert the prices we had received, and asked him to bid the work, because she was willing to pay somewhat more if the quality would improve. Bob Carty moved that the Board authorize an expenditure of up to \$12,500 from the reserve fund to pay for the necessary concrete work. Ken seconded the motion, which passed unanimously.

- 4) Science Center - New Mark resident Sheila Marshall had written to the Board asking for a letter of support for a proposed Science Center in Rockville. The Board suggested that an article be written for the newsletter. It residents were in favor of the idea, they could write on their own.
- 5) CAI - A session entitled "Breathing Unity into the Community" was being held on September 25<sup>th</sup> on a riverboat in the Potomac. Board members were invited to attend, if interested.
- 6) Sewer problems - Following the last meeting, Ken Misner went to Home Depot and purchased a \$5.00 product that was supposed to take care of roots growing in sewer pipes. Fred Ducca had agreed to give it a try, with the understanding that the Board would attempt to find a more permanent solution, such as installing a new sewer pipe, if this product did not work.

Under committee reports, the letter and memo from Linda Silversmith were discussed. The Board resented the tone of both. Rose said that she would try to talk to Linda. One suggestion was to abolish the landscape committee altogether, but Rose pointed out that there were 10 - 11 other active members.

Under old business, the Board revisited the issue of delinquent dues. Rose distributed a report that outlined the history of each person who was in arrears. Totally, almost \$10,000 was due to the Association. 15 homeowners were involved; liens had been filed against 3. The Board felt that the Amirs, the Freeds, and Ron Anderson should all be asked to pay within 30 days or that a schedule of payments should be worked out such that the entire amount would be paid off by year end. Ken suggested that we check with CAI to see if they had published a monograph on collecting delinquent dues. Dick moved that the Board adopt a policy stating that a lien would be filed for any account more than 7 months in arrears, with action to commence 45 days following the due date for the second payment due (either July 15 or March 15). If a homeowner was behind by 3 payments, court action would be initiated. In addition, the monthly late fee would be increased to \$25.00/month because \$5.00 monthly was not enough to induce quick payment. Susan seconded the motion, which passed by a vote of 6 - 0. Ken abstained because he thought the Board should wait to learn what other communities do.

With regard to the outstanding ACC issues, there was some feeling among the Board that these were really disputes among neighbors. Anne did not feel that it was her responsibility as a Board member to insist that a resident meet the standards set by their neighbors. However, there was agreement that the Torres's either did not understand or chose to ignore Association rules. Dick suggested that a letter be sent to the Torres's, giving them 30 days to remove any items they had placed on the common grounds. In addition, the letter would warn them that if a dog was found staked on the common grounds, it would be impounded. Rose suggested that the problems between 270 NME and 272 NME could be resolved for the moment by removing the white scalloped border from the common ground.

The step project was progressing, and Board members seemed generally pleased. Dick felt that we should get the lights installed quickly, because it was difficult to see the first

step. Rose agreed to ask Gary Butson for a landscape plan, rather than leaving the decision to the landscape committee.

The Board agreed that the pool should close on Labor Day to avoid staffing problems. However, no decision was made about continuing Curl's contract for the third and final year because the Board wanted to observe the company's performance over the last few weeks of the summer. The Board was concerned about the large costs that would result if the improvements recommended by Adriana were all put into place. However, bids would be obtained on several so that the Board could make some decisions during the budget process.

Under new business, Rose mentioned the letter that Bob Jaynes had written to the Journal, asking the paper to highlight older communities such as New Mark because these communities were having trouble competing with all the new development, which in turn was having an adverse effect on property values. Ken felt we should write Mr. Jaynes a note thanking him and offering to help if needed.

The meeting was adjourned at 10:50 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 4, 1997**

**ATTENDEES:** Richard Berman, Barbara Cano, Bob Carty, Susan Klise, Jean Rawson, Anne Taylor, Rose Krasnow, Norm Hampton, Pam Luttig, Alan & Phyllis Rosenthal, Linda Silversmith.

The meeting was called to order at 7:40 P.M. by President Barbara Cano. Norm Hampton of 242 NME was present to address the manner in which the Association assigned parking spaces. He thought that a mistake had been made with respect to his space because it was not the one closest to his home. It seemed to him that the spaces had been assigned in order except for his. He wanted to switch spaces with his new neighbor at 242 NME. Rose pointed out that the policy had been to assign the space immediately in front of a residence whenever possible. Those units off the parking lot were then assigned the next closest available space. This meant that throughout the community, assigned spaces often did not follow the sequential pattern of the house numbers. Although Norm accepted this explanation, he felt that the HOA documents should not imply that a particular townhouse owned a particular space. Rather, he suggested that the documents be revised to say that "The Association has assigned Space # \_\_\_ for your use." The Board agreed that this was a good idea.

Pam Luttig was interested in heating the pool because the water was always too cold for the swim team early in the summer, and sometimes it was too cold even in August. Dick Berman was concerned about the cost and whether a majority of residents would want the pool to be heated. He pointed out that lap swimmers preferred colder water. Bob Carty said that he would call the county to learn how many of their pools had heaters, how many had electric covers, and whether there were any safety or maintenance concerns that we should be aware of. Rose agreed to run the idea past Rick Curl as well. Alan Rosenthal said that his condominium pool in Ocean City had a heat exchanger. The differential heating of the pool concrete caused the bottom of the pool to collapse. The pool had to be rebuilt, at great expense.

Linda Silversmith was present on behalf of the Landscape Committee, which had met twice in July. The committee suggested the following:

- 1) Although erosion issues in the community were probably too technical for the landscape committee to handle by themselves, couldn't a joint committee, composed of Board members, landscape committee members, and neighborhood experts, be formed.
- 2) Give more prominence to the names and numbers of the various committee chairpersons, so that everyone wouldn't call Rose. Dick Berman pointed out that some committee chairs might not want to receive calls.
- 3) Anytime a landscape project is planned on the common grounds, call a meeting of all affected residents to obtain their input. The Board pointed out that it was difficult to define who would be affected by each project. Moreover, some people just don't

care. Finally, the Board did not want to greatly increase the number of meetings being held. It was finally agreed that a special landscape meeting at the clubhouse in both the spring and fall might be a great way to obtain input from neighbors and experts alike.

- 4) The landscape committee hoped to focus on two projects - a) the area near 294 NME where there were continuing erosion problems both on the hill and on the path that continued behind the homes and b) the area along the back of the garage.

Linda also spoke on behalf of the Garden Club, which she also heads. She said that they hoped to work on the landscaping for the new steps and that they also wanted to contribute some funds to that project. Susan asked if the Garden Club ever looked at the single family circles. Linda said that a few years ago the landscape committee had surveyed all the circles to determine their current condition, any maintenance needed, and possible improvements. She said the Garden Club could do this again.

Dick Berman raised the issue of pool management in the last few weeks of the season. He was concerned that on more than one occasion, there was no guard anywhere on the deck. Even when no one was in the pool, he felt a guard needed to be somewhere on the deck. Instead, it seemed one was always sleeping in the chair in the guards office. At no time, he pointed out, should there be more than 1 guard in the office. Along the same lines, Pam Luttig pointed out that her children were on the mini-Barracuda team, and that on more than one occasion, their practices were canceled without notice to parents. This created a real hardship for working parents who frequently rearranged their whole schedule to get their children to lessons. Susan pointed out that the mini-barracudas were a fairly new idea, started by Adriana, to get young swimmers prepared for the swim team. Adriana was not paid for this extra. Nevertheless, the Board agreed that better communication was important and agreed to follow up.

Barbara Cano read a letter from Pat Ogburn of 11 Lakeside Overlook. Pat was concerned that the rental unit at 10 Lakeside Overlook continued to look shabby. The bushes were not being maintained, the bamboo from the house on W. Argyle was encroaching into the backyard and no one was doing anything about it, and whenever any work was done, the trimmings were thrown onto #11's property. Rose pointed out that this has been a long-standing problem. The owner of #10 lives in Holland, and apparently needs the house for tax purposes. The property maintenance committee agreed to send the owner and agent a letter outlining the problems.

The minutes and agenda were approved unanimously, upon a motion by Susan, seconded by Jean.

Under committee reports, Dick said that he and Mike Miller had become surveying the townhouses. Although many items had been noted, he felt that overall the community looked better than it had the last time. He suggested that every property maintenance letter include an extra page that would offer advice about some of the most common problems, including townhouse front door lights and house numbers, roof fascia boards, and roofs. Dick pointed out that loose fascia boards allow bats to enter the townhouse

attics. He had experienced this problem himself and had received bids as high as \$1000 to do something about the problem. He was actually able to take corrective action himself by finding the cracks and filling them up. He said this should be done in the fall or winter, when the bats were in hibernation. He said one could usually determine where the bats were getting in by observing your home at dawn or at dusk. Dick also suggested that we consider putting up bat houses throughout the community, which might encourage them to stay away from homes. (Barbara wanted to know if the residents of the bat houses had to pay dues!). Dick also said that much of the shingle siding was in need of work; but that power washing alone could help. He suggested that homeowner's be given two weeks to remove debris from the common grounds, and that the cable company be called once again about the need to rebury cable throughout the community. The Board discussed the fact that on many streets, all of the residents leave their trash cans outside. Dick suggested that we point out that this goes against the covenants. At least some of them might actually decide to comply. Dick also recommended that the electric meter boxes scattered throughout the community be repainted. Finally, Dick said there had been some difference of opinion between Dick and Mike regarding the tone of the letters to be sent. One felt that the letter should merely point out the items that needed attention; the other felt that homeowners should be told to fix each of these items. The issue was complicated by the fact that the Board has little enforcement authority.

Rose reported for the ACC Committee. She said that a new resident on Farsta had asked for permission to install a six board estate fence, which currently did not exist in New Mark. The committee turned down the request. With respect to the dispute between 270 and 272 NME, letters would be sent to both, stating that the white border would be removed by the Association from the Association's land. The residents of 210 - 214 NME were still at odds with one another, but all had agreed to mediation.

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

- 1) Shade Structure - The bid received from Washington Canopies for a 16'x 20 foot structure was over \$8000. Moreover, the canopy only had a life expectancy of 5 - 7 years. The Board agreed that there had to be a cheaper way to provide shade.
- 2) Pool - A bill had just been received for all the pre-season repairs. It came to more than \$2000.00. The Board was frustrated that Curl did not clear each of these expenditures in advance, nor did he bill promptly. Susan suggested that we drag our feet in terms of paying for these items. Dick suggested that we state in writing that Curl must bill us within 45 days for any work done or we would not pay the full amount. A recommendation was also made that the wooden shade structure over the shallow end of the pool be power washed, rather than replaced.
- 3) Pool Contract for 1998 - Rose pointed out that one year remained on Curl's contract. While the quality of their management had clearly been lacking, the Association had not had any greater success with any of the other companies that had been tried. Susan moved that we retain Curl for the third and final year. Anne seconded the motion, which passed unanimously.
- 4) Drainage problems - Rose said that Becht Engineering's proposal to analyze the drainage problems behind 324 - 336 NME seemed too expensive. Although she said

she would get other proposals from engineers suggested by the City, she said that it was clear that it would take a while to come up with a solution.

- 5) Stormwater Ponds - Our attorney notified the Association that the County was requiring a \$300 - \$500 inspection of all privately owned stormwater management facilities, and that any facility that did not meet federal standards had to be brought up to compliance within six months, often at great cost. Although the City was not in this process, Rose wanted the Board to be aware of it. It seemed to further justify the Board's earlier decision not to make Lake New Mark an official part of the city's official stormwater management system.
- 6) Dues - Personal calls to the Freeds and Ron Anderson had not produced any checks. The Board had seen the letter from Mr. Moradi stating that he had not paid dues because the Association was not properly maintaining the common grounds in front of his house. Van Grack felt that we could proceed with the lien.
- 7) Picnic on the Common Grounds - The Potomac Valley Nursing Home had asked if they could hold a staff picnic on the New Mark common grounds, near the tennis courts. In order to be a good neighbor, Rose had given them permission to do this, but told them that if they needed the clubhouse, they would have to pay the same rent that residents pay.

Under old business, Rose said that the construction of the steps had been completed. Lights had been ordered but were not yet in. At the Board's request, Gary Butson had come up with a proposed landscape plan, but there was general agreement that daisy's did not seem quite decorative enough. Other landscape ideas would be sought.

Under new business, Dick suggested that the Association should send copies of all of the property maintenance reports for rental properties in New Mark to the city's inspector.

Rose suggested that a cocktail party be held to celebrate New Mark's 30<sup>th</sup> anniversary. After some discussion, Saturday, October 4<sup>th</sup> was chosen as the date.

Upon a motion by Jean, seconded by Bob, the meeting was adjourned at 10:45 P.M.

NEW MARK COMMONS HOMES ASSOCIATION, INC.  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 9, 1997

ATTENDEES: Dick Berman, Barbara Cano, Bob Carty, Susan Klise, Ken Misner, Jean Rawson, Anne Taylor, Rose Krasnow, Pam Luttig, Ruth O'Sullivan & Sergei Suslov.

The meeting was called to order by President Barbara Cano at 7:40 P.M. Ruth O'Sullivan and Sergei Suslov of 808 NME were present to discuss their ACC proposal, which had been turned down by the committee because it involved a free-standing deck, which had not been done before in New Mark. Ms. O'Sullivan pointed out that their back yard posed unique problems because there was a substantial change in elevation. It was their intention to take advantage of the existing trees by building the deck over the current retaining wall and extending it to the tree line. The side nearest the house would actually be at ground level. The railing would match the other fences nearby in appearance and height, although it would extend further out than the others. Rose said that the Committee was not opposed to the freestanding deck, but recognized that it could set a precedent. The Committee felt that this deck could be approved as long as a lattice was used to screen the open area under the deck, with new plantings in front of the lattice to further soften its appearance. Richard strongly opposed the proposal, because he felt that allowing an entirely new type of deck would encourage others to want the same thing. The Board understood his concerns but felt this one could be justified as unique, given the topography. Since Ms. O'Sullivan was eager to proceed with the project, it was agreed that members of the Board would go see the property by Sunday evening, October 12<sup>th</sup> and would phone Rose with their vote.

Pam Luttig was present to continue discussions regarding heating the pool. Bob Carty said that he had checked with the County and learned that only the Y pool and possibly one other were heated. His source felt it would be impractical and expensive to get the needed cover for such a large pool. Bob said that no one could figure why we wanted the pool heated in the summer, since most people usually found the pool water to be too warm. Rose said that Rick Curl had quite a different opinion. Mr. Curl was so eager to have use of a heated pool in April, May, September and October, that he said that he would front the entire cost of the improvement, which he felt would fall between \$20,000 and \$30,000. In addition, he was willing to pay \$40/day for gas and chlorine. New Mark could then offer residents lap swimming during those months as well, which he felt would be a real plus. Bob moved that we turn down the whole idea. Dick seconded the motion, which was tabled for consideration later in the meeting. Once Ms. Luttig left, discussion ensued. Barbara said that she could understand why a heated pool would be desirable, particularly for younger children. Susan said that she did not want to get into any sort of long term relationship with Rick Curl. Anne pointed out how much money we spend on the pool already. Extra lap swimming would mean extra guard costs, not to mention the electricity needed to run the pumps, and the extra hot water that would be used in the shower room. Rose questioned the desirability of having a group of up to 35 non-residents coming in every morning and afternoon to use the pool. She also thought it might make New Mark subject to the rules of the Americans with Disabilities Act. Bob's motion passed unanimously. Rose agreed to write Pam a letter stating that the proposal was rejected based on cost and the fact that such a relationship with Mr. Curl was not deemed to be in the community's best interest.

Upon a motion by Jean, seconded by Anne, the minutes and agenda were approved as written.

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

- 1) T&J Billing - As indicated in their letter, T& J was still seeking payment for additional leaf removal expenses incurred in the Fall of '96 and billed in March of '97. Rose said the company had given her no indication that the number of hours had been exceeded. She pointed out that T&J did not do all the work that was specified in their contract, such as putting down leaf control. Nor had they followed up on items such as the replacement of the dying dogwood. Rose suggested that we hold off on a decision until we knew whether T&J would be our landscape contractor next year. If another contractor was selected, Rose felt the bill should not be paid. If T&J remained in place, it would make sense to invite Tom or John to the November Board meeting to discuss this and other issues.
- 2) Landscape bids - With respect to the new landscape contract, five companies had met with Rose to walk the property and all indicated that they would be submitting bids. T & J's new bid for \$35,000 for the next three years had also been received and might prove to be the most reasonable. Bids were due by Friday, Oct. 12. Once received, Rose would distribute them to the Board for review. A decision would be made no later than the November Board meeting.
- 3) Dues - Although dues continue to trickle in, no payments were received from the Freeds or Ron Anderson, so lien proceedings will be initiated. The Board discussed the fact that Mr. Moradi, of 878 NME, had submitted a check for the outstanding dues but not for the legal fees of \$215.00. There was a general consensus that it would not be wise to waive the legal fees because it would set a bad precedent. Therefore, legal action against Mr. Moradi would proceed.
- 4) Maintenance Projects - Both paving and concrete work had been completed. If possible, Rose hoped to have the parking spaces restriped before winter.
- 5) Step Update - Rose had asked the engineer, Gary Butson, to come out and look at two problems with respect to the new steps. One corner of the concrete had a significant crack, and the wrought iron rails were already showing significant rust. Mr. Butson felt the piece of concrete could be repoured, but he said that the railings should be removed in order to be reprimed and repainted. The railings did not match those specified in the specs, leaving some room for negotiation. The lights had been installed, but were not yet working.
- 6) Drainage Issues - Danny Sivert said that he had the capability to help New Mark with its drainage and erosion problems. However, he wanted to observe the problem during a rainstorm before making any suggestions. Since it had not rained in the last month, no progress had been made.
- 7) Ground Bees - Several residents of the 800 block were returning from the school bus stop when they were attacked by ground bees. All received several stings, and Krystal Kennedy, aged 5, had to be taken to a doctor for treatment. Rose had contacted Womack to see what treatment options might be available.
- 8) CAI - An all-day CAI session was being offered on handling disputes among neighbors. Interested Board members were asked to let Rose know so that she could submit the necessary registration materials.
- 9) Printer - The Association's HP IIP needed \$250.00 in repairs. Given its age, Rose felt this probably made little sense. Susan moved that Rose be authorized to spend up to \$750.00 for a new printer. Anne seconded the motion, which passed unanimously.

The following committee reports were received:

- 1) Property Maintenance - Rose had not received the remainder of the townhouse maintenance survey so no letters had been sent out. Dick said all of the townhouses had been done, so he would send the remainder by E-Mail. Single family homes had not yet been done.
- 2) Landscape Committee - The committee was soliciting bids for landscaping the area by the steps. The one bid received to date from Michael Mason did not seem particularly creative.

Under old business, the Board discussed the quote submitted by Rick Curl for needed or desirable improvements to the pool. Rose said that the last white coat, done in May of '91, was only \$18,700, so she felt that Curl's bid for \$31,900 was out-of-line. Upon hearing this, Mr. Curl submitted a quote from another company in the amount of \$24,500. Under the circumstances, Rose suggested getting other bids for all of the work. She also reported that Mr. Curl was interested in negotiating another three year contract.

Upon pursuing a meeting between the state and affected neighborhoods to discuss problems with the John C. Tracey Group Home, Rose had been advised that the state would prefer to meet only with the leaders of each neighborhood rather than alarming large numbers of people. The Board agreed that it was O.K. to begin a dialogue in this manner. A date after November 4<sup>th</sup> would be sought.

Under new business, Rose said that she had met with Tower Oaks and had learned that they were no longer seeking to build townhouses on the land where a residence inn had originally been proposed. Rather, they were looking into the idea of an assisted living facility. In addition, they still wanted to build a cul-de-sac off of Don Mills Court that would have 11 homes that would be part of New Mark. Although the plan appeared to be fairly reasonable, Rose pointed out that Marty Reiss and others on Don Mills Court would undoubtedly object vehemently. The Board was interested in the additional revenue these homes could add and asked to see a drawing of the plan once it was received.

Since it was time to do the '98 budget, Rose said she would put together a proposed budget for distribution prior to the November Board Meeting.

Under new business, Barbara Cano mentioned how much everyone enjoyed the 30<sup>th</sup> Anniversary Cocktail Party, and she thanked those responsible for organizing it. Barbara mentioned that one beneficial effect was that a committee had already been put together to start working on the International Dinner to be held in February.

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

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, NOVEMBER 12, 1997

ATTENDEES: Dick Berman, Barbara Cano, Bob Carty, Susan Klise, Rose Krasnow, Ken Misner, Jean Rawson, Anne Taylor, Toni Schierling, Linda Silversmith, Helen Reed.

The meeting was called to order at 7:40 P.M. by President Barbara Cano. The Garden Club presented their plans for landscaping the new steps. They said that four companies had submitted proposals, but the Club was not truly satisfied with any of them so they looked at plants at two nurseries and ended up designing their own plan. The Board had several concerns about the proposal, including the width of the planted area, the height of the plants being proposed, whether or not mulch was included, how bicycles would access the bridge, whether the trees would be hearty enough, and how the area would be watered. The proposal was tabled for discussion later in the meeting.

Eva Matsumoto requested in writing that the Board consider putting a small fountain back into the lake. She said that everyone from 100 - 122 NME supported this request.

John Clime, President of T&J Lawn Services, had been invited to appear to explain why he felt New Mark should pay for leave removal services provided in 1996, even though a bill was not received until April of '97 and no mention had been made of extra charges. Mr. Clime did not attend the meeting.

*+ Anne Taylor*  
Susan Klise served champagne to those present to recognize and celebrate Rose's re-election as Mayor of Rockville.

The minutes and agenda were approved, upon a motion by Susan, seconded by Jean. Ken asked whether the application regarding a new patio and deck at 808 NME had been approved by telephone vote of the Board. Rose said that it had, with only one person voting against it.

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

- 1) Trees - Bonifant's proposal for tree work would result in an expenditure of almost \$9000. However, the amount of work was extensive and was being offered at a discount because the work could be done in the winter. Since the leaves would be off the trees by that time, the Board wanted to know how the tree cutters would know which branches to remove. Rose assured the Board that she had asked this question as well and had been told that it was easy to tell which branches were dead. Jean moved that we approve the bid, with half to be paid out of this year's budget and half out of next. Susan seconded the motion, which passed unanimously.
- 2) Dues - Mr. Moradi had made it clear that he would not pay the \$215.00 in legal fees, and even threatened to make it a political issue during Rose's campaign. However, Rose had advised Van Grack to proceed with the lien filing. The other late payers were still in arrears.

- 3) Steps - The wrought iron railing at the steps had been sanded, primed and repainted in place. However, the cracked concrete would not be replaced until spring. The lights were working, and a complaint had been received that the upper light blocked the vista of the lake as you drove by in a car. In addition, several people were unhappy with the sharp angles of the steps, and Jean said that at least two people who lived in townhouses in the 100 block strongly disliked their view of the new steps. The Board felt that landscaping would improve everyone's perception of the steps.
- 4) Satellite Dishes - CAI had a new publication on HOA rules regarding satellite dishes. The Board agreed that it made sense to purchase a copy for \$25.00.
- 5) Kasses/Young dispute - Sonia Kasses had written to the Board stating her displeasure with the wood trim that lined the sidewalk in front of her house on community property. The Board felt that the wood trim could stay. If the neighbors could not resolve their differences, community mediation was recommended.

Under committee reports, Rose stated that the property maintenance letters still had not been sent out because her computer had been infected by a virus and was not working.

Under old business, the Board discussed the landscape contracts received. Bob Carty felt that we should continue to use T&J, because their bid was lower than any of the others and was the same for three years. Ken felt that the proposal from Facility Services had more detail and was essentially the same price as that offered by Greenlink. Rose said that Facility Services references were O.K., but she was concerned that they did many other things besides landscaping, including concrete work, wet basement work and so forth. She said that they had forgotten to do one section of concrete under New Mark's latest contract with them, and that section was still not done, even though several dates had been set to complete the job. Barbara moved that we accept the Greenlink proposal, based on price and on their outstanding references. Anne seconded the motion, which passed on a vote of 5 - 1, with Bob voting nay and Ken abstaining.

The Board discussed the four proposals for whitecoating the pool, but no one had a strong feeling about which proposal was best. Rose agreed to check references before bringing the matter back at the next board meeting.

Jean Rawson described the results of the City's meeting regarding the Tracey Group Home. She said that a task force would be created with representatives from each of the affected neighborhoods. Attention would be focused on all the group homes in the area, not just the Tracey home. Jean's husband, Allan, had agreed to serve on the Board of the Boys and Girls Homes. In addition, it was pointed out at the meeting that the Tracey Home now has 24 hour awake supervision, and alarms were being placed on all the doors, not just the doors in the dormitory area. It was apparent from the meeting that the State's Department of Human Services had not responded in an appropriate manner to the original report about the Terhaar's van being stolen; indeed, it took six months, several more thefts, and the intervention of political leaders to make sure that the situation was addressed. State Delegate Kumar Barve was now looking into legislation that would regulate the reporting of incidents at group homes.

The Board then looked at the 1998 budget which called for an increase in dues of 1.7%. Increases were noted for taxes, insurance, electricity, pool management (due to a 90 cent increase in the minimum wage) and lawn maintenance. Rose departed briefly, and the Board decided to recommend a 5% increase in her salary. It was agreed that the budget should be distributed to the community and feedback solicited. The 1998 budget could then be revised as necessary before being put to a vote at the December meeting.

The Board quickly decided that it was too late in the year to proceed with landscaping the area surrounding the new bridge steps. By postponing the work until spring, the Board could take more time to look at the plan and discuss alternatives. Barbara Cano made it clear, however, that she had major concerns with the plan as presented.

The Board voted to hold the December meeting on Thursday, the 11<sup>th</sup>, because several people would be out of town on the 4<sup>th</sup>.

The meeting was adjourned at 10:30 P.M.

NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
WEDNESDAY, DECEMBER 11, 1997

ATTENDEES: Dick Berman, Barbara Cano, Bob Carty, Rose Krasnow, Ken Misner, Anne Taylor, Peggy McKoy and Sherry Matz.

The meeting was called to order at 7:35 P.M. by President Barbara Cano. The evening's community forum focused on the proposed '98 budget. Lilian Rosenbaum had phoned in several questions regarding salaries, the pool contract, and the cost of lawn care. Peggy McKly asked the following questions:

- 1) Why do our dues increase by the Cost-of-Living each year? Ans: Specified as the maximum in our covenants
- 2) Given the increase in insurance, are we getting bids? Ans: Have been unable to get anyone else to bid since we have a diving board, a lake, and swim meets.
- 3) Why didn't we pick T&J if they gave us the lowest bid? Ans: Not satisfied with service. No on-site supervision.
- 4) What is meant by short-term projects? Ans: Primarily includes retaining walls and fences.
- 5) What is meant by the term new townhouses? Ans: The 13 homes on Tegner, which were built in 1985.
- 6) Why do we pay so much to reserves? Ans: Our reserve fund still does not contain adequate funds, according to our last reserve analysis. We did not fund reserves until 1987.
- 7) Why are tennis supplies so high? Ans: Includes court repairs, such as crack sealing.
- 8) Do we bid out our accounting work? Ans: No, we haven't in some time.
- 9) Who is covered by the line item called "Salaries"? Ans: Rose & Jim Denny. The figure also includes New Mark's share of Social Security and Medicare.
- 10) What are non-resident dues? Ans: Some people who live outside of New Mark join the pool.

Sherry Matz asked the following questions:

- 1) Why is interest so low? Ans: Figure does not include the interest earned on our reserves, because reserve interest can not be used for operating expenses.
- 2) Why is the figure for advertising so low? Ans: No one solicits ads, so the number of ads received has gone down.

Upon a motion by Anne, seconded by Richard, the minutes and agenda were approved with only one modification (Both Anne and Susan Klise had been responsible for November's Champagne celebration of Rose's re-election).

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

- 1) Pool Whitecoat: Bids had been updated so that everyone was bidding on the same items to allow a better comparison. Prices were actually very similar. The Board asked Rose to solicit references and bring the matter back in January for a decision.

- 2) ACC committee request: Jim Denny wanted permission to purchase a polaroid because people often claimed that they would do something that "matched the original" but, in fact, it often turned out to be quite different. Pictures would help the ACC go back and prove that the modification was not done as promised. Since a Polaroid costs less than \$100.00, the Board said that the purchase was a good idea.
- 3) City Street trees: The City was trying to come up with a master plan for all of its street trees. New Mark had several tree issues. The pear trees would continue to split; the sycamores off of Scandia were messy trees that caused damage to the sidewalk. Rose suggested that we get the City forester to appear at the Annual Meeting. The Board concurred.
- 4) Dues: Six people were significantly in arrears. One other person owed slightly less than \$200.00.
- 5) CAI - A flier was passed around which detailed an upcoming event. In addition, the book on regulating satellite dish locations had been received and was given to Dick to read first.

Under committee reports, Rose told the Board that Kollins Landscaping had prepared a plan for landscaping the bridge steps, with the understanding that there would be a charge for this service. The Garden Committee said they would never have agreed to such a charge. Rose showed the Kollins plan. Board members were interested in receiving further information from Paul about whether the size of the plants proposed could be increased and whether there were other plants that he thought might be better. The Board felt that Paul's bill of \$115.00 should be paid.

Rose was excused by the Board so that a discussion of her salary could take place. Upon her return, Barbara moved that the '98 budget be approved as presented. Ken seconded the motion, which passed unanimously.

Under new business, Rose said that Tower Oaks was now saying that they would not build townhouses in the area to the west of Tapiola, Vallingby and Scandia. Instead, they were considering an assisted living facility. The Board felt that this was certainly more preferable. Rose also showed the Board the blueprint for the 12 houses proposed south of Don Mills Court and said that a meeting would be held with Tower-Oaks and the residents of Don Mills during the month of January.

Also under new business, Barbara said that the Board had decided by a vote of 3-2 that a subcommittee consisting of 3 - 4 Board members should be set up to analyze the administrator's duties, the time they required, and whether the salary was appropriate. The report was to be completed by May.

The meeting adjourned at 10:00 P.M.