

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JANUARY 11, 2001**

ATTENDEES: Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Jim Denny, Al Fisher and Jeanna Troha.

President Amy Sloan called the meeting to order at 7:35 PM. Upon a motion by Susan, seconded by Sherry, the minutes and the amended agenda were approved. Since no one was present for the community forum, Rose proceeded to give her administrator's report, which covered the following items:

- 1) The Pool - The snow in December had caused the pool cover to sag greatly, making it evident that the pool had a leak. A call to Continental between Christmas and New Year had brought a quick response. Once the weather became a little warmer, additional water had been added to the pool. In addition, because the water level in the baby pool was too high, Continental broke through the ice and suctioned out the water that remained. Unfortunately, this caused the baby pool to sink about an 1 ½ inches for unknown reasons. At this point, careful monitoring of the situation appeared to be the best course of action. The pool would be drained early in the spring so that pressure tests could be done to try to find the source of the problems.
- 2) Pool contract – Before signing the actual document, Rose had discussed several items with Nick Lally, Continental VP. These included some trivial matters, such as adding the removal and installation of the pool cover to the contractor's responsibilities, to more major items, such as the ability to rehire guards from New Mark even if we did not use Continental in future years. A particularly troublesome clause in the contract stated that the pool should remain closed for 45 minutes after the last crack of thunder has been heard and for an hour after the last lightening has been sighted. These timeframes were longer than any that had ever been followed in the past. The Board felt that this was a procedural issue, not a contract issue. It was hoped that Continental would agree to delete this paragraph from the contract altogether. Rose said she planned to send Continental a list of New Mark issues and quirks regarding the pool. The list would point out, for example, that residents like having a suggestion box and that the pool's diaper policy is still in flux. Ken asked about the sign-in procedure for the pool. Rose suggested that a young person be hired to man the desk for the first few weeks that the pool is open, because she thought that if a message was sent early that people would be checked in, abuse of the system would decline. The Board felt the idea was worth pursuing.
- 3) Snow and Ice – Our contractor continued to perform well during both snow and ice storms, although the frequency of these weather events was increasing the expense incurred by the Association. Al Fisher alerted the Board to a spot on the path near June Whaun's house that tended to be hazardous because the path dipped at this point and ice accumulated and rarely melted.
- 4) Starpower – Rose said that Jeff Van Grack had apologized for the poorly written agreement he had provided the Board. Starpower itself had edited Van Grack's version, correcting many but not all of the same items that Amy had addressed. Both versions had been sent to Van Grack, who promised to bring a completely

cleaned-up document when he came to the February 1<sup>st</sup> meeting. He also agreed to amend his bill.

- 5) Tower Oaks – The attorney for the developer had sent New Mark a complete set of blueprints for PG&E's detailed site plans, which had recently been submitted to the city.
- 6) Dues – Only three people remained in arrears for Year 2000 HOA dues.
- 7) Reserve Items – The Board agreed that bids for a new clubhouse roof should be solicited. The new roof would be asphalt, rather than cedar shake. Rose was also instructed to begin soliciting bids for a new reserve analysis, even though the Board felt that they might want to delay moving forward with the analysis until more was known about the condition of the pool.

Under Officer and Committee Reports, members of the Board reported on their efforts to contact those residents who had asked for additional follow-up. Ken asked Rose to sum up her impressions of the success of the enhancement effort. Rose replied that she felt the Board had been rather lax in citing residents for problems such as decaying door frames. It was agreed that next time, the entire Board would go look at a select block to reach some agreement about the type of items that should be noted on the maintenance reports. In addition, two people would be assigned to cover each area to make the citations more thorough and more objective.

Under old business, the Board discussed Al Fisher's memo regarding incentives for property maintenance. Al stressed that he thought the current community enhancement survey took a negative approach. He wanted to see more carrot and less stick. He agreed that a deteriorating home could have a serious impact on the value of surrounding homes, but he hoped that recognizing those who were doing an exceptional job of maintaining their homes would encourage others to follow in their footsteps. Amy suggested that Al work with Linda Silversmith, chair of the landscape committee, to find homeowners worthy of recognition and to look for projects the Association could undertake to improve the overall look of the community. Dorie pointed out that she was concerned that strict enforcement of the ACC guidelines tended to cause the community to look a bit outdated. Although she recognized that it would not be wise to encourage radical departures from the existing architectural styles, she urged the Board to be open-minded regarding an applicant's desire to make changes that would update their home.

Rose reported that no volunteer had stepped forward to chair the bulletin board committee. Al Fisher said that he believed that Al Rojas may have backed away from that idea. The Board agreed that a more dynamic web page would accomplish many of the aims of a bulletin board. The Board suggested that Rose take a course on web design so that she could learn how to make changes to the content.

In following up on the situation regarding the new house on Argyle, Rose had learned that the city had received many complaints about the new owners, both from New Mark residents and others who live on Argyle. In several instances, city regulations were actually being violated (ex. "No trespassing" signs on the trees in the back.) Jenna assured the Board that the City was carefully monitoring this property. She said that community mediation had been proposed, but neither side had requested it so far.

With regard to the proposed parking lot at Maryland and Fleet Street, Rose stressed that no decisions had been made at this time. Although the issue was extraordinarily complex because of the projected parking shortage, every possible alternative was being explored. Rose doubted that the land would actually end up as a surface lot, but she pointed out that it would also not remain undeveloped. Even a residential use of the site would probably be quite dense. The Board decided that given the uncertainty of what was being proposed, it would be premature to take a position on the issue.

Before departing just before 10 p.m., Jeanna Troha passed out fliers about Rockville University and encouraged board members to sign up for the free, ten week course.

Although Eddie was out of town, he had drafted a letter asking the City to require a new parking study for the Tower Oaks development, since 15 years had passed since the original study had been done. Rose pointed out that there was no Rockville law that would enable the city to require another study. Clearly, no one would have guessed in 1985 that development of the site would not occur for so long. To prevent similar circumstances from arising in the future, the Board thought that the City should change its laws to read that, henceforth, a new traffic study would be required if a certain number of years had passed between approval and construction. Jeanna said that Hungerford Stoneridge had similar thoughts. Ken offered to talk to Dave Hill, Hungerford's President, to compare thoughts. The two groups might wish to send a letter to the city jointly.

The Board discussed the survey that Al had designed regarding New Mark's budget. The Board voiced several concerns. The survey had been done without the knowledge or consent of the Board. The questions themselves were quite leading in terms of the response being solicited. The budget itself was not included; therefore people were being asked to render opinions without having the needed information. Only five people had taken the survey, which clearly did not prove anything. Al insisted that his intent was simply to show that the Board was not providing enough information to the community on the budget and other items. Ken pointed out that people who had questions about the budget had been encouraged to call, write or attend a Board meeting, but, except for one Email, no one had been heard from. After quite a bit of discussion, Amy closed the matter by saying that while it was good for the Board to know where there were gaps in the information being provided to the community, there was no reason why people couldn't simply contact the board and ask for additional information. The survey, like the bulletin board idea, indicated a distrust of the Board's actions that did not seem justified.

Under new business, Ken said that he wished to attend the CAI "ABC's" course on February 1, and he urged other Board members to attend as well. The Board also discussed the date of the Annual Meeting. It appeared that the 22<sup>nd</sup> of March would be preferable to the 15<sup>th</sup>. Two Board members said they needed to check their calendars to make sure that the 22<sup>nd</sup> was OK.

Upon a motion by Susan, seconded by Dorie, the meeting was adjourned at 10:20 p.m.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, FEBRUARY 1, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Jeff Van Grack, Jim Denny.

President Amy Sloan called the meeting to order at 7:36 PM. Ken Misner asked that the subject of the International Dinner be added to new business. Upon a motion by Dorie, seconded by Nan, the minutes and the amended agenda were approved. Since no one was present for the community forum, the Board heard from attorney Jeff Van Grack, who was present to discuss the problems New Mark was having regarding the legal services being provided by Jeff and his firm.

Jeff said that the wrong version of the draft Starpower contract had been sent to the Board, which explained why it had been so full of mistakes. He apologized for this and again offered to amend his bill. He said that while a better version was now in the board's hands, there were still some issues that needed to be addressed. He pointed out that Starpower had agreed to pay \$5.00 per unit, but had not agreed to pay for legal fees or Jim Denny's time. Jeff did not understand this since the amounts were so small. The Board agreed that we should continue to push for this. Jeff also said that a 7-year term with 2 five-year extensions was too long. He recommended a 4-year term with one 5-year option, although he said it probably wouldn't matter since this was a non-exclusive contract. There was considerable discussion about the amount of time that Starpower should be allowed to put together the facilities plan, how long New Mark would need to review it, and how much time should be granted for installation. Jeff pointed out that the industry was changing so rapidly that the time period should be fairly short. Another board member commented that Starpower referred to several attachments but none had been included. In response to a question by Rose, Jeff said that so far none of the associations he represented had actually signed with Starpower. Starpower had already wired the City of Gaithersburg and hoped to be in Rockville by year-end. The Board asked several other questions regarding whether Starpower could be required to post a bond to cover any damages incurred and whether a clause regarding liquidated damages could be added to the contract in case Starpower started but did not finish installing the needed equipment.

Jeff said that he was not actively involved in the collection process, since others handled this in his law firm. He said there had been staffing problems, but that most of these had been resolved. Rose said that several delinquencies were still troubling to her. For example, one homeowner sent in all the dues owed just before his scheduled court date, but he was disputing the legal fees. The fees in question amounted to just over \$600.00, so Lerch, Early had suggested that it might not be worth the cost involved to try to collect the fees. This would mean, in effect, that New Mark would be out the monies paid to Jeff's firm, while the delinquent homeowner would get off without paying an extra dime. Jeff said that the homeowner could still be taken to court. Rose also asked about the homeowner who had filed for Chapter 11 bankruptcy and later for Chapter 7 bankruptcy. The Court had now discharged the judgment; New Mark had to write off all amounts not paid through the year 2000, and the homeowner was still in the house and not paying his dues. The Board wanted to know how to protect itself in this situation. Jeff said that he would send one of his associates to the March Board meeting to better explain how to deal with these problems. Amy said that she was disappointed with Jeff's handling of these matters.

It was also pointed out that the Association had never received the legal advice that was sought regarding an Internet "bulletin board." Amy said her concerns focused on issues such as defamation and invasion of privacy. She wanted to know what the board's legal obligation was with respect to providing community members equal access to information, since some residents still did not use the internet. Jeff suggested that our insurance company be consulted regarding some of the liability issues. He agreed with Dorie that New Mark's liability would probably disappear if individual residents started such a bulletin board on their own.

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

- 1) Pool – The leak continues to cause the water level of the pool to drop about an inch a day. Continental feels it is best to wait until warmer weather arrives to seriously address the problem.
- 2) New Home on Argyle – The Board discussed the letter Rose had received from the owner of the new home. It was agreed that Rose should respond in her capacity as Mayor, not as New Mark administrator. Eddie said he believed a landscape business was being run from the home. Ken asked if the gravel driveway behind the little house at the corner of Maryland and Argyle was legal. Rose said she would have to check into this.
- 3) Audit – The accountants have begun the audit of New Mark's books for 2000.
- 4) Reserves – Due to concerns about accounting problems encountered with BB&T, Rose withdrew New Mark's reserve funds from that institution and opened two new CD's with Chevy Chase and American Bank.
- 5) Dues – As of the due date of February 1, 86 people (23%) had not yet paid the first installment of their dues. This was not an unusually high figure, and Rose expected that many more would pay before the grace period expired on February 15<sup>th</sup>.
- 6) Landscaping – Rose had walked through the community with Stolburg Landscaping and had agreed to move forward with several projects. These included the drainage project behind the garage, trimming the cherry trees in the 300 block, and experimenting with ground cover and flagstone to see if the appearance of one of the peninsulas in the 800 block could be improved. These peninsulas are usually muddy and devoid of grass because everyone uses them to deposit their trash and recycling containers.
- 7) Snow Removal – Rose reported that snow removal expenses for 2001 remained quite low at this point in time. Eddie mentioned that the sidewalk near the parking lot in front of 254 – 260 NME was never cleared by anyone because residents of this area only cleared the sidewalk immediately in front of their homes. Rose agreed to add this area to Sivert's list.
- 8) CH Gas Bill – Rose reported that the gas bill for January was \$680, far higher than normal. As a result, the board agreed to increase the clubhouse rental rate from \$100 to \$125 for adult events and from \$30 to \$40 for birthday parties for children 8 and under. Rose said she would write letters to the Girl Scouts, Cub scouts and other regular users reminding them of the importance of turning down the heat before they left the building.
- 9) Correspondence – Rose had heard from a high school student in the 800 block who wanted to improve the look of New Mark's web site but who apparently hoped to get paid for his efforts. Rose was asked to let him know that we are always happy to have the help of volunteers in the community, and that he might consider using this to obtain service hours for graduation.
- 10) Attorney – The Board discussed the performance of New Mark's attorney earlier in the evening. Everyone agreed that it did not meet expectations. Rose was instructed to solicit proposals from other attorneys who do homeowner association law in the area. Rose did remind the Board that our legal fees have consistently been very low, and that this could quickly change with different representation.

Under officer and committee reports, Rose reported that 115 property maintenance letters had been sent out, including 85 to single family homeowners and 30 to townhouse owners. Of these, 42 responses had been received (37%), including 33 from single family owners and 9 from townhouse owners. Board members asked about the home at 4 Radburn (a longstanding problem home) and the home at 314 NME (yard work needed). It was agreed that it would be better to complete the survey in the spring this year if possible.

Under old business, the Board discussed the following:

- 1) Annual meeting: The meeting date had been set for March 22<sup>nd</sup>. No speaker had been lined up. The Board suggested that Jeanna Troha or another representative of the City speak about what is going on in Town Center. After some debate, it was agreed that the Diaper Policy should not be listed as an agenda item for the meeting, although it was likely that someone would bring it up under general discussion.
- 2) Tower Oaks – The Board had received a letter stating that a noise study had shown that activities at the proposed PG&E building would not generate any adverse noise levels. Rose said that the PG&E project was moving ahead, although the timetable had slowed as a result of PG&E's problems in the state of California. Eddie said he was very concerned that the continued construction of office space in Tower Oaks would eventually create so much traffic gridlock that New Mark Esplanade would be put through to Monroe Street. Rose said that the original agreement signed with the Tower Companies in 1985 made that impossible. Ken said he had spoken to Dave Hill, President of the Hungerford Stoneridge Civic Association about Tower Oaks. Dave, who had also spoken to three other communities, proposed that collectively they send a letter asking the city to change its policy regarding traffic studies. Tower had proven that development does not always closely follow once approvals for a project have been granted. The letter would suggest that new traffic studies be required once a certain amount of time, such as 5 years, had elapsed. Ken said that he would try to put together New Mark's thoughts on this issue.
- 3) Parking lot on Fleet Street – Rose said that the City and County no longer planned to move forward with a surface parking lot on Fleet Street. Nevertheless, the overall parking problem for downtown Rockville had not yet been resolved. Moreover, construction of a building on the Foulger Pratt site meant that more cars would be displaced.

Under new business, Ken asked if anything was happening with respect to the International Dinner. Rose said she would contact Raj.

Upon a motion by Eddie, seconded by Dorie, the meeting adjourned at 10:10 p.m.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MARCH 1, 2001**

ATTENDEES: Eddie Alexander, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Tamara Stoner

President Amy Sloan called the meeting to order at 7:42 PM. Rose asked that the subject of changes to the City's voting districts be added to new business. Upon a motion by Dorie, seconded by Eddie, the minutes and the amended agenda were approved. Since no one was present for the community forum, the Board heard from attorney Tamara Stoner, of Lerch, Early and Brewer, who was present to discuss problems associated with the collection of delinquent accounts.

Rose asked why Lerch, Early always asked for new statements of account. New Mark only collects dues twice a year, so the account statements rarely change. Rose was also not sure when legal fees should be charged to a delinquent resident. Tamara said that when an account first becomes overdue, the firm will ask for an account statement before sending out a demand letter. Thirty days later, before initiating lien proceedings, the firm will ask for a new account statement to make sure that no payment has been made. After another thirty-day payment, a new account statement will be requested before a lien is actually put into place. Tamara recommended that the legal fees that have been charged for each delinquent homeowner should be added to that homeowner's outstanding account as Lerch, Early's itemized bills come in. Tamara said if payment is not forthcoming, the matter will proceed to court and new charges will accrue. If the Association is successful in court, the homeowner will be required to pay all outstanding dues and legal fees, but collection may be slow and may come about through a variety of means, such as garnishment.

Tamara pointed out that other events could affect a delinquency. A homeowner could file for bankruptcy. Chapter 13 bankruptcy gives an individual 3 to 5 years to pay off old debts, but the person is expected to stay current on debt incurred since filing. If the debtor does not stay current, a Chapter 13 bankruptcy usually converts to Chapter 7. Tamara said she would check to see if a bank is foreclosing against the New Mark homeowner who had recently come out of Chapter 7 bankruptcy but was still not paying his dues.

It was pointed out that filing a lien was usually the best way to protect the Association's interests, even if court action wasn't pursued immediately. Unfortunately, New Mark's covenants do not allow the Association to accelerate payment for an entire year's dues, so the Board agreed that lien action should not be initiated until after a homeowner fell behind on two payments. However, the Board wanted to stop being lenient with people who had special circumstances, such as a divorce.

With respect to people who wanted to pay in installments, Tamara suggested that the homeowner and Association both sign a simple agreement that would set forth the terms of the arrangement (i.e. monthly or quarterly payments). If a homeowner failed to make payments as set forth in the agreement, lien proceedings could then be instituted immediately.

The Board also asked Tamara about the Starpower agreement. Eddie did not feel that the Association should have to pay Lerch, Early to rewrite the agreement because it was not New Mark's fault that the agreement put together by Lerch, Early was so poorly written.

For example, the board felt that the terminology in the body of the document was inconsistent with the definitions set forth in the beginning. The Board had asked that the agreement require Starpower to post a bond, but this had not been included. When Tamara said that the language in the agreement might not be as pretty as that in a more standard contract, Amy said that “pretty” was not what the Board was complaining about. Tamara agreed to discuss this matter further with Jeff Van Grack.

After Tamara left, Rose presented her Administrator’s report, which included the following items:

- 1) Pool: Continental Pool had agreed to all of the changes to the contract that New Mark had sought and the contract had been executed. Dave Almy had taken the pool blueprints to have them copied but had not yet returned the originals to the community. The electrical junction boxes at the far end of the pool had been vandalized by someone who apparently was trying to pull them out of the ground. Continental’s electrician had estimated the cost of repair at \$1580.00. A second estimate was being sought because our insurance company needed two bids.
- 2) Insurance matter: Residents in the 200 block had notified the Association that one of their guests had fallen on the common grounds near their home and had been injured. They were not sure if the person would seek compensation from New Mark. Rose had alerted our insurance agent, but, no claim had been filed to date.
- 3) Dues: Twenty-one people had still not paid the first installment of their HOA dues. Late letters had gone out toward the end of February.
- 4) Housing Prices: Sales continued to be strong in the community, and prices were rising. The number of rental units was also declining.
- 5) Correspondence:
  - a) Norm Larson of Basildon Circle had written to voice concern that the wildlife, including geese, deer, fox and crows, were harming the quality of life in the community. Eddie Alexander said that he had just read an article that said laser lights would scare the geese away.
  - b) An anonymous letter had been received, asking the Association to step up enforcement against residents who parked their cars on the single-family cul-de-sacs.
- 6) Miscellaneous:
  - a) Dorie asked when the City would remove the pine tree on the circle in front of her house. She also wondered when the City would adequately address the fact that the street was sinking badly and that dumping several loads of tar into the depression was not going to solve the problem.
  - b) Fence: Potomac Fences had submitted a bid of \$670.00 to repair the chain link between Fireside and New Mark. This was \$300.00 less than the bid submitted by Long Fence. Upon a motion by Sherry, seconded by Eddie, the Board unanimously approved the acceptance of Potomac’s bid.
  - c) Roof: Three bids had been received for replacing the clubhouse roof with asphalt singles. The prices varied considerably. Jim had some concerns about the lowest bidder. Not much was known about the company that came in second. Ken mentioned that he had been very pleased with the roofer that he had used when his house needed a new roof. The Board thought that if one or two additional bids were acquired, the correct choice might become more apparent.
  - d) Neighborly disputes: Several neighbors in the 100 block were having ongoing problems with an adjacent neighbor who was a tenant. Rose had put the residents in touch with the absentee owner of the property. In addition, a resident in the 800 block wanted to build a privacy fence in his back yard, but the way was blocked by a large bush that was actually

located on his neighbor's property. Rose had taken pictures of the offending bush and had sent them New Mark's attorney for an opinion.

Under old business, the Board debated what steps to take regarding the Starpower contract. Amy was still not happy with the document, but she felt that at some point residents were going to want to have a choice of Cable provider. The Board decided that since new legal representation was being sought, it might make sense to back away from signing anything for the time being.

Rose reminded everyone that the Annual Meeting was on the 22<sup>nd</sup> of March. No guest speaker had been lined up, but Rose said she would be happy to discuss recent developments with respect to downtown. Jeanna Troha, neighbor resource coordinator for New Mark, would also be present. Rose said that the City had dropped the idea of a surface parking lot on Fleet Street.

Rose was concerned that New Mark's city voting district had been redrawn in such a way that New Mark would no longer vote at City Hall. A public hearing was being held regarding the proposed districts on Monday, March 19<sup>th</sup>, and she thought that New Mark might want to voice an opinion. Sherry agreed to testify on the Board's behalf.

Under new business, Ken said that he had prepared a draft letter to send to the City regarding the need to conduct a new traffic study as a result of the ongoing development at Tower Oaks. He had passed the draft on to Dave Hill, President of the Hungerford Civic Association, and had not yet heard back.

Upon a motion by Eddie, seconded by Sherry, the meeting was adjourned.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, APRIL 5, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Nan Whalen, Rose Krasnow, Deborah Stewart, Torrie Schaffer, Shayna Finkel, Jeanna Troha.

Since Amy Sloan was not present, Vice President Sherry Matz called the meeting to order at 7:35 PM. Members of the Brownie Troop that meets in New Mark were present to thank the Board for letting the troop use the clubhouse on Thursday evenings. They sang a song and handed out calendars and Girl Scout cookies before leaving.

Deborah Stewart of 318 New Mark was present to appeal a recent decision of the Architectural Control Committee. Deborah lives in an end unit townhouse and wanted to replace the long side window on the side of her home. The ACC rejected her request to install double hung windows because only sliding or casement windows have been used throughout New Mark. Debra pointed out that the window is only 21 inches wide, a very unusual size. She said that the proposed double hung windows would have the same horizontal lines as other side windows in New Mark. To prove her point, she passed around a number of pictures that she had taken of side windows throughout the community. The current window no longer meets code, and Deborah wanted a window that could be opened to improve the ventilation of her townhome. Finally, she presented a petition with the signatures of all of her nearby neighbors stating that they had no objection to the proposed change. She pointed out that her side window faced a wooded area and would not really be seen. The Board told Deborah that they would discuss the issue under new business later in the evening.

Torrie Schaffer came to the meeting with Shayna Finkel, a friend of her daughter's. Torrie's daughter could not attend because she was ill. The girls, 6<sup>th</sup> graders at Julius West, were hoping to fulfill their middle school service learning requirement by doing something to make New Mark nicer. They suggested picking up trash along the lake or helping to spread the mulch at the playground. The Board was receptive but had some concerns about safety, liability, and supervision. The Board thanked Shayna for an excellent presentation and said they would get back to her soon.

Neighborhood Resource Coordinator Jeanna Troha announced that she would be moving to New Brighton, Minnesota, to serve as Assistant to the City Manager. Chris Bartlett would become New Mark's resource coordinator for the time being. Jeanna said that Beth Pritchard of the City's code enforcement staff had gotten in touch with the management of the Fireside Apartments regarding the debris in and around the dumpsters. Management assured Beth that this debris would be removed. Eddie pointed out to Jeanna that when the City's speed indicator was placed on Maryland Avenue, it blocked the vision of residents who were trying to turn out of the community. He hoped that the indicator could be put in a different spot in the future. Dorie asked about the status of the new house on Argyle. Jeanna said that at the current time, all the code violations had been addressed. The Board wished Jeanna well and thanked her for all her help. She then left the meeting. The Board instructed Rose to send a card and flowers to Jeanna as thanks for a job well done. Rose took this opportunity to thank the Board for the flowers that they had presented to her at the annual meeting.

Upon a motion by Ken, seconded by Eddie, the minutes and agenda were unanimously approved.

The Board proceeded to elect new officers for the coming year. Ken nominated Sherry Matz for President. Dorie seconded the motion, which passed unanimously. Ken then nominated Dorie Mangan for Vice President. Nan seconded the motion, which passed unanimously. Ken nominated Eddie Alexander for Treasurer. Dorie seconded the motion, which passed unanimously. Rose pointed out that she serves as Secretary for the Board.

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

- 1) Pool: The pool had been drained and pressure testing would soon be done to discover the cause of the leak. The pressure testing would cost \$1400. Rose had sought approval from Amy before signing the contract. Rose was also concerned that Continental had sent New Mark a long list of suggested repairs and needed supplies. The list seemed generic and did not seem to reflect New Mark's actual needs and priorities. Mike Plevetsky of Continental had agreed to meet with Rose to go over each item.
- 2) Vandalism: Obtaining a second bid for the vandalism to the electrical junction boxes outside the pool gate has proven difficult. Several companies said they would not even bid on the job, while others were proposing work costing many thousands of dollars. Rose and Jim were contacting additional electricians.
- 3) Landscaping: Mowing had not yet begun because the weather was so cold that the grass was not growing. Matt Stolburg had submitted bids for a number of smaller projects that Rose had approved. These included re-landscaping of the island on Watchwater Court, removing the dead junipers near 130 NME and replacing them with azaleas, and so forth. Rose said that Matt had looked at the retaining wall behind 812 – 822 NME and had suggested that it be replaced with a different type of wall. He had submitted some pictures of similar walls that he had built. Rose said that she would make sure that the Board got to see these. The difficulty of accessing the site was discussed at length. Dorie suggested that we might have to remove a row of trees and shrubbery behind the entire length of the wall in order to get the wall rebuilt.
- 4) Dues: Only 5 people had not paid the first installment of the HOA dues. In response to the Board's instructions, Tamara Stoner had initiated lien procedures against 13 Tapiola and 898 NME. Unfortunately, the lien against 898 New Mark had been placed incorrectly. Tamara had accelerated the dues for the entire year, but New Mark's covenants do not give the Association this authority. Tamara said the matter could still be corrected.
- 5) CH Roof – Rose said a 4<sup>th</sup> bid had been obtained from D&M Roofing for a new clubhouse roof. The price of \$6800 was identical to the bid received from TKR. A fifth bid was being sought. Nan moved that the Board authorize Rose to spend up to \$7000.00 for a new roof. This would enable her to execute a contract before the next board meeting. Eddie seconded the motion, which passed unanimously.
- 6) Diaper Policy: A letter had been received from a pool member asking that the Board continue its policy of allowing non-toilet trained children into the big pool as long as they were wearing diapers and tight-fitting plastic pants. Jim Denny had submitted a copy of the pool regulations at Herrington Harbor, where he has a beach home. Their policy does not allow any non-toilet trained children into the big pool.
- 7) Geese: Eddie had sent Rose an article suggesting that laser guns were particularly effective against geese. However, according to the article, such guns were not yet available to the public.
- 8) Miscellaneous:
  - Repairs to the fence still had not been occurred, because Potomac Fence had sent the wrong crew.
  - Rose said the fountain would be installed on Tuesday, April 10<sup>th</sup>.

- Eddie suggested that residents be warned that even a home that has been treated for termites could become reinfested. Chlordane was banned for safety reasons, and none of the newer chemicals seem to last as long.
- Rose said that it appeared that Gypsy Moths could be more of a problem this year.

Under old business, Rose asked if anyone wished to make corrections to the minutes of the Annual Meeting. No one did, but discussion ensued about the resident who complained about dog owners who do not clean up after their dogs if they relieve themselves in the woods along the bike path. Eddie wanted a committee to be formed that would give warnings to people who failed to clean up after their dogs. The Board thought that it would be difficult to find volunteers for such a position, but agreed that another article should appear in the newsletter, urging residents to let Rose know if they recognized people who were not picking up after their pets. Rose could then send a note to these people, urging them to follow the law.

Under new business, the Board reviewed the proposals received from attorneys who wished to represent New Mark. After quite a bit of discussion, it was decided that three firms should be invited to an interview session which would be held on Thursday, April 19<sup>th</sup>. The firms to be invited include: Nagle & Zaller; Chadwick, Washington, et. al.; and Rees, Broome. The meeting would be held at Ken Misner's house at 7:00 P.M. Each interview was scheduled to take 45 minutes.

Rose said that the city had provided her with a petition regarding parking on Tegner Way. The City was willing to prohibit parking on one side of Tegner, as long as a majority of residents approved. Rose would seek the signatures of Tegner residents.

Upon a motion by Eddie, seconded by Ken, the Board agreed to allow Deb Stewart to install double hung side windows. The Board instructed Rose to write a letter to Ms. Stewart pointing out that this was an exception to New Mark's stated policy. The exception was being granted due to a number of special circumstances. Dorie said that she was glad that the Board had decided to allow these windows, because she worried that too many people in the community view the ACC in a very negative light.

The meeting was adjourned at 10:05 PM upon a motion by Eddie, seconded by Dorie.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MAY 3, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Nan Whalen, Rose Krasnow, Rick Penn

Note: From 7:00 to 7:40 P.M., the Board met in Executive Session to interview Attorney Shelah Lynn of Chadwick, Washington, Olters, Moriarty & Lynn, P.C. Attorney Brian Bichy was also present.

The regular meeting was called to order at 7:40 P.M. by President Sherry Matz. Rick Penn of 5 Tapiola Court was present because he wished to appeal an architectural control decision from the prior summer. Mr. Penn had applied to install a window air conditioner to the rear of his home, because the air conditioning system in his house did not cool the upstairs. Because the house backed onto the Tower Oaks wetlands, no one would be able to see the unit. A discussion ensued among members of the Board about other ways to address the problem, such as installing attic or ceiling fans. Mr. Penn said that he had already tried many of these approaches, but it was still 10 degrees warmer in his master bedroom. The Board thanked him for coming and said they would reach a decision later in the evening.

Upon a motion by Eddie, seconded by Nan, the minutes and agenda were approved as written. Amy Sloan abstained because she was not present for the April meeting.

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

- 1) Pool: Rose reported that Continental had not yet found the source of the leak in the main pool. She had met one on one with Mike Plevetsky to discuss Continental's suggested list of supplies and repairs. As a result, the list had been shortened considerably. Ken asked about the status of the pool committee. Dorie and Nan said that they had been the key spokespeople for the committee, and when they became members of the Board, the pool committee had become dormant.
- 2) Vandalism: After considerable effort, a second bid had been received for the repair of the electrical junction boxes at the end of the pool. It was \$45.00 dollars higher than the bid received from Continental, so Rose had instructed Continental to proceed with the work. Rose wanted to know if the Board wanted to file this as an insurance claim. The total cost of the repairs was \$1580.00 and New Mark would be responsible for a \$250.00 deductible. The claim might cause our rates to rise. The Board felt that a claim should be made. Rose also reported that certain individuals were setting small fires in the clubhouse parking lot. The Board recommended that the newsletter feature an article asking residents to report all suspicious activity.
- 3) Insurance: Rose reported that Associated Insurance had been successful in getting Montgomery Mutual to lower the cost of our umbrella policy. As a result, our insurance costs would rise by only 14%, instead of 27% as originally reported. Ken wondered if our rates would drop significantly if we turned over the lake to the City. Rose said that the liability of the pool and other amenities, such as the tot lot, would probably keep our rate quite high.
- 4) Landscaping: Rose reported that Stolburg had completed several of the smaller landscaping projects, and that the feedback from residents was very positive. Amy asked if Matt could take a look at the Stevenage Circle. Dorie pointed out that a new city tree was still needed for the circle on Farsta near her house.
- 5) Roof: TKR had been contracted to replace the roof. The work would be completed before the pool opened.

- 6) Budget: It appeared that the Association would be over budget as a result of higher than expected pool repair costs, insurance costs, and so forth. The Board wanted to know why pool repairs couldn't be paid out of the reserve fund. Rose pointed out that the IRS was very strict about the type of expenses that could come from reserves. She said she would distribute some explanatory material.
- 7) Correspondence: The Board agreed that there was no reason to respond further to the latest response from Rebecca Thaler, the new resident on Argyle, or to the latest email from Lynn Gustafson.

Under old business, Ken updated the Board on the success of the International Dinner, although he said there was still a problem with last minute cancellations. Eddie asked if it would be possible to have an adult pool party. It was suggested that he head a committee to explore the feasibility of such an event.

Ken reported that he had checked references for all three of the attorneys that the Board was considering. All had checked out very well. It was clear that some members of the Board felt that hiring an aggressive attorney such as Craig Zaller would be a wise step, while others felt that our collections problems were still small enough that we didn't need to be so aggressive. The Board agreed that regardless of who was hired, the Board needed to establish a written collections policy and that the covenants and bylaws needed to be rewritten, despite the provision that they could not take effect for three years. After additional discussion, Amy moved that New Mark hire the firm of Chadwick, Washington, et. al. Dorie seconded the motion, which passed by a vote of 5 – 2 (Ken and Eddie cast the dissenting votes). After some discussion concerning the advisability of paying straight hourly rates or going on retainer, it was agreed that a retainer was probably the better deal for at least the first year or two.

The Board discussed Rich Penn's request to be allowed to install a window air conditioner. Nan moved that the appeal be denied. Susan seconded the motion, which passed unanimously.

Upon a motion by Eddie, seconded by Ken, the meeting was adjourned at 9:35 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JUNE 7, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Nan Whalen, Rose Krasnow, Roger Zions, Jim Denny, Bethany Portner, Jack Rushing, and Richard Berman.

President Sherry Matz called the regular meeting to order at 7:35 P.M. Upon a motion by Nan, seconded by Eddie, the minutes and agenda were unanimously approved.

Roger Zions of 822 NME was present to find out what action the Board was taking with respect to the timber wall behind 812 – 822 NME. Roger said the wall was ugly, full of holes and home to many bees. Rose pointed out that all the contractors who had looked at the wall agreed that it was not about to fall down any time soon. Nevertheless, since several of the affected homeowners were planning exterior improvements to the rear of their homes, it was probably a good time to proceed with replacement. Rose said that she had received a bid to build a keystone wall for only \$8975 from Sam Fanning. Mr. Fanning appeared to have a lot of experience with this type of project, but his proposal was rather sketchy. Nevertheless, if his references checked out, Rose thought that he would be a good choice. Questions were asked about some of the engineering associated with a keystone wall. Were gravel and filter cloth necessary for good drainage? What type of cap would be used? Does the pressure of the soil behind the wall tend to push it forward? The Board also wanted to know what type of guarantee Mr. Fanning would provide. Upon a motion by Eddie, seconded by Susan, Rose was instructed to check references and attempt to add more specificity to the bid. If both of these things were accomplished successfully, Rose was authorized to execute a contract with Mr. Fanning.

The Lake Committee presents its report to the Board. Their concerns focused on three areas:

- 1) Willows: Two willows had fallen over the past few years and needed to be replaced.
- 2) Dredging: The amount of silt was again building up in the lake and the Board needed to consider putting funds in the budget to cover the cost of dredging somewhere in the next few years.
- 3) Geese: Could damaged portions of the fence be replaced and could the entire fence be placed within a foot or two of the lake's edge?

In discussing these matters, the Board pointed out that the two willows had been replanted, but beavers had destroyed both of them. Nevertheless, when Richard offered to buy two willows at least eight feet high at Home Depot, plant them himself, and provide the proper beaver protection, the Board accepted his proposal. Jim Denny was instructed to help transport the willows to the site. Jim also agreed to repair and move the goose fencing. Rose asked the committee to assist the Board in finding a solution to the severe erosion of the bank on the side of the Lake closest to the Esplanade. The geese appeared to be largely responsible for the problem. The Board went outside with the Committee to look at the bank so that everyone could appreciate the extent of the problem.

Rose reminded the Board that it was best to do the property maintenance surveys in the Spring, rather than in the Fall. The Board felt that this Spring would be too soon, since the last survey reports had been sent out only about 8 months ago. It was agreed that the next survey should be done in the Spring of '02.

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

- 1) Pool: All repairs had been made, but the baby pool had been closed for several days because the pool manager, Ian, did not think that the water was properly balanced. Continental explained to him that the requirements for the two pools were quite different. Rose said that Ian was personable, but not particularly bright. Board members raised issues including the fact that some people had been smoking in the hallway on a rainy day, that people who were not employees of the pool were frequently in the guard's office, and so forth. The Board discussed the pros and cons of keeping Ian as the pool manager. It was agreed that Eddie and Rose should meet with Mike Plavetsky of Continental. If Ian did not improve by the end of the month, a different manager would be requested. Safety and liability concerns remained the Board's top concerns. Rose also reported that the new umbrella was proving to be somewhat cumbersome in the confined area of the baby pool.
- 2) Landscaping: After a community walk-through, Rose had sent Bonifant Tree Service a long list of trees that need to be trimmed or removed. She had asked for an opinion from Bonifant regarding the pine tree behind Al Rosenthal's house at 204 NME. Since it was leaning toward the house, the Board was inclined to go ahead and remove it, but felt that it was not the Association's responsibility to grind out the roots that were lifting the patio.
- 3) Vandalism: Rose said that a resident had reported seeing some young people that he recognized involved in committing vandalism down by the garage. Rose and the resident met with the entire family to discuss the incident and to warn of consequences if it could be shown that these same children were involved in future incidents of vandalism.
- 4) Dues: Rose reported that 44 people had not paid their dues as of June 7<sup>th</sup>. This number was a little lower than usual.
- 5) Legal: Jeff Van Grack had been notified by phone and letter that his services were no longer required. Unfortunately, although the Board had instructed Jeff's firm to file liens against the two most delinquent homeowners, lawsuits had been filed as well. Rose was not sure how to proceed, since an actual court date had been assigned in one instance. The Board instructed Rose to consult with the new attorney to determine the best course of action. Rose reported that she had met with Mr. Samid, and he had explained many of the circumstances surrounding his failure to pay. Rose pointed out to him that he still owed legal fees of almost \$1300, but when she asked how much he might be able to pay, he offered only \$150.00. The Board felt that this amount was unacceptable, and suggested that \$1000, payable in thirty days, would be closer to the mark. Rose also said that she had received a new draft of the Starpower contract from Van Grack, but the Board felt that any additional contract negotiations with Starpower should be done through the auspices of the new attorney.
- 6) Pool Party: Eddie said that he had talked to Giant and others about providing food for an adult party at the pool. He thought that a fee of \$15.00 a person would cover most of the food cost. After some discussion, the date of Saturday, September 1<sup>st</sup>, was chosen as the best date. Rose suggested that Eddie talk to places such as O'Brien's Bar-B-Q. She agreed to run an ad in the newsletter to assess whether there was interest in this new event.

Under old business, the Board wanted to revisit the Diaper Policy for the pool. Everyone felt that the current policy was not in the best interests of a majority of residents, some of whom said they no longer use the pool. Given some of the liability issues involved, and the fact that many other pools in the area followed a more restrictive policy, the Board felt that it would be better to change the policy again. Eddie moved that the Board adopt a policy stating that no children under the age of three could enter the big pool and that no children of any age could be in the big pool if they were not toilet trained. Dorie seconded the motion, which passed unanimously.

Under new business, Rose said that the City had recently released the draft of a new Town Center Master Plan. Prior to the public hearing on July 18<sup>th</sup>, presentations were being made to the various civic and homeowner associations in the City. The Board thought it would be a good idea to schedule a community-wide meeting so that residents would have a chance to learn about the proposed plan. The Board suggested Tuesday, June 26<sup>th</sup> or Wednesday, June 27<sup>th</sup>.

It was also agreed that the July Board meeting would be held on Thursday, the 12<sup>th</sup> of July, since several Board members would be away on the 5<sup>th</sup>.

The meeting was adjourned at 10:28 PM, upon a motion by Eddie, seconded by Susan.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JULY 12, 2001**

ATTENDEES: Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Roger Zions, Kathy Gall, Geoff Becker, Linda Silversmith, Representatives from Continental Pool including Nick Lally, Becky Boyd, and Bruce Ramsey.

President Sherry Matz called the meeting to order at 7:40 P.M. Roger Zions was present at the community forum to get an update on the wall replacement project behind his home. Rose said that she had checked all the references for Fanning & Lynch. Two were outstanding and one was quite good, so Mr. Fanning had been asked to send a revised contract that would include additional detail. For example, Mr. Fanning did plan to put a cap along the top of the wall, and to install filter cloth and gravel behind the wall. Once the revised contract was received, the contract would be executed. Work would begin in another 4 –6 weeks. Roger expressed dismay that he could not make the improvements to the rear of his home until the wall had been installed. The Board pointed out that this was a big project, so it was not surprising that it was taking a few months to get everything squared away. Roger also asked Rose about the two dead trees behind his house. Rose said that they had both been added to the contractor's list.

Geoff Becker was present at the community forum to thank the Board for changing the diaper policy to reflect that children in diapers would not be allowed into the big pool. He said that now he could once again go swimming in New Mark. He knew that the action had taken some courage, but he felt many citizens in the community were appreciative. Kathy Gall echoed Geoff's sentiments. She also wanted to know if we could get additional structures or pool umbrellas to provide more shade on the pool deck. Rose said it had been difficult to find a structure like the one that had broken the year before, but that pop-up tents might be a possibility. Nan felt umbrellas might be preferable to the structure, because one or two families tended to monopolize the shade structure for lengthy periods. Cost was also an important factor to consider. Continental said they had some umbrellas that were 12 or 20 feet square but they cost \$4500 - \$5500. Rose agreed to get some prices for a variety of options. Kathy also wanted to know if anything could be done about the city's messy sycamore trees. If they could not be replaced altogether, could they be pruned. Rose was instructed to follow up.

Representatives from Continental Pools were in attendance to discuss ongoing issues at the New Mark pool. Although there was a general consensus that matters had improved since Becky had been brought in to replace Ian as the Manager, the Board expressed their dismay over the fact that much of the staff appeared to be either lazy, untrained, lacking in common sense, or all of the above. Specifically, the Board asked why it had taken the company so long to address the terribly murky water. It was also pointed out that the guards needed to check the showers regularly to ensure that they were turned off and that cleaning should occur throughout the day. When lifeguards were not in the chair, they should have other assigned chores. They should rarely be on the phone while on duty. Pool patrons should not be allowed to use the free phone in the storeroom. Since chlorine was kept there, the storeroom door should always be locked. Lifeguards need to pay attention to swimmers in both the shallow and deep end of the pool, and children who are poor swimmers should not be allowed into the well. Parents or sitters need to be told that they must keep a close watch on children under the age of eight. The Board learned that Becky would be leaving in Mid-August and that the assistant manager would be leaving the week before. Concern was voiced about finding responsible replacements for the management positions, since three of our guards are only 15

years old. The Board also asked Continental what should be done when someone refused to follow the rules. Continental said the patron(s) should be asked to leave the pool. If they still refused to comply with the rules on future visits, they should be denied entrance altogether. Indeed, Continental suggested that for the Board's own protection, a certified letter should be sent to any person or persons who refused to follow the rules, outlining the nature of the violation and the course of action that was being taken. Rose said that she had received many bills from Continental for all the repairs, supplies and so forth, but she did not think that the perimeter caulking had ever been done. Continental promised to check on this right away. After the reps departed, the Board agreed to invite them back for the September meeting, which would take place soon after the pool had closed for the season. It was hoped that the situation would improve enough to make it unnecessary for Continental to attend the August meeting.

Upon a motion by Susan, seconded by Nan, the minutes and agenda were approved as read. Amy and Ken both abstained, because they had not been present at the June meeting.

Linda Silversmith presented the recommendations of the Landscape Committee. Their first concern dealt with erosion issues in New Mark, particularly the erosion along the lake bank. The committee felt that low growing shrubs should be planted along the lake bank and in the water as well. Rose said she had received a proposal from EQR that proposed a similar solution, but that it was quite expensive. Linda said that Vince Berg had identified Meridian Aquatic Technology as another company that could be of help in designing a solution. Linda also discussed several other erosion concerns, including the area behind the garage, the hill going down to Monroe Street, the steps between 216 and 218 NME, and so forth. Rose pointed out that the erosion problem behind 336 NME had turned into a flooding problem and that she was working to address it as quickly as possible. The Board was concerned about the cost of addressing so many different areas. Linda was asked to create a priority list and a timetable for the Board so that a plan of action could be discussed at the August meeting.

Linda urged the Board to install signs adjacent to each of New Mark's storm drains to remind residents that anything dumped down the drains polluted not only Lake New Mark but also the Chesapeake Bay. The signs could be purchased from Vince Berg at a relatively low cost, and Linda was confident that we could apply for grants that would reimburse the community for the funds that were spent. The Board had some questions about the appearance of the signs, and how many were desirable. Several board members offered to look at the storm drains in their area to determine the best locations for the signs. Linda agreed to get some additional samples from Berg. A decision was postponed until the August meeting.

Under architectural control, Rose said that on at least two occasions, she had felt the need to tell the committee that they should rethink their decision to approve an application. One involved a trellis atop a fence, which had never been allowed in the past; the other involved a request to paint a house using a shade of dark blue. The Board wondered if the problem was a lack of institutional memory, a lack of familiarity with the architectural guidelines, or a failure to carefully read and understand what was being proposed. Rose suggested that it might be a combination of all three. It was agreed that committee members should be asked to attend the August meeting, so the Board could discuss the work of the committee, the increased workload, and other pertinent topics.

At the June Board meeting, the Lake Committee had pointed out that it would soon be time to dredge the lake again. Rose had checked into this and learned that the lake had last been dredged in 1994. Generally, dredging occurred every ten years. Rose spoke to EQR and

learned that the cost would probably be considerably higher this time around because there were no longer any places close by to dump the dredged material.

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

- 1) Tree Work: Responding to an itemized list of trees that needed to be pruned or removed altogether, Bonifant submitted a bid of \$4200. However, additional charges would be incurred because Bonifant was called on an emergency basis to deal with the tulip poplar behind 518 NME that was severely damaged in a storm. In addition, a large branch broke off one of the willows on the lake. Mr. Bonifant felt that the pine tree behind 204 NME was healthy, so he did not recommend its removal, even though it was leaning toward the house. Rose was still worried about the Board's liability, since the Rosenthal's had put their concerns about the tree in writing. Tom had recommended another arborist, if the Board wanted a second opinion. The Board instructed Rose to discuss the matter with our new attorney.
- 2) Dues: The number of people who had not paid the second half of their dues continued to drop. The list did not contain many surprises. Rose had written a synopsis of the two longstanding cases (Samid & Anderson) for the association's new attorney. The Board felt that if Gideon Samid would not agree to pay more than \$150.00, a credit agency should be notified. The Board also wanted to know if an agreement could be written stating that the remaining legal fees owed would be waived if, and only if, Mr. Samid made all future payments on time.
- 3) New Attorney: Ms. Lynn suggested that the Board set a date for a special meeting to meet with Chadwick, Washington to obtain their opinion regarding our documents. Rose felt that the meeting should occur sometime in September and asked members of the Board to bring their calendars to the August meeting. Creating a written dues collection policy could also be discussed as part of the special session.
- 4) Asphalt Work: A contract had been signed to undertake asphalt repair work in the 200 – 300 block of the townhouses.
- 5) Flooding behind 336 NME: Significant flooding was occurring behind 336 NME. It was not clear whether this was the result of heavier than usual rainfall or a change in the runoff patterns in that area. Regrading appeared to be the best solution, but Rose wanted the contractor to observe the area during a rainstorm in an effort to determine the cause of the problem.
- 6) Miscellaneous: Rose mentioned that a significant credit had been received from Pepco, reflecting profits obtained through the sale of several of generating plants. Rose also reported that CD rates were falling rapidly, which would affect the interest being earned on our reserve accounts.

Under old business, Rose reported that the Town Center Master Plan meeting held at the clubhouse was well attended, despite the fact that it was held in a very hot, non-airconditioned clubhouse. It was suggested that the Board might wish to testify at one of the two public hearings that would be held by the City over the next three months.

Very little response had been received regarding the idea of holding an adults only dinner party at the pool on Saturday, the 1<sup>st</sup> of September. However, at least one National Night Out Party would be held in New Mark on Tuesday, August 7<sup>th</sup>.

Under new business, Sherry asked the Board to consider building enclosures on the common grounds in the townhouse areas to hold recycling bins, big day items, newspapers and so on, because these items were frequently placed outside far in advance of pickup and were very unsightly. The Board was concerned that these would soon become overflowing dumpsters.

Rose mentioned that Michael Richmond, a New Mark resident, was interested in writing a history of New Mark, but he had not given Rose any sense of how much this might cost. Sherry agreed to follow up with Mr. Richmond.

The meeting was adjourned at 11:05 P.M. upon a motion by Amy, seconded by Dorie.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, AUGUST 2, 2001**

ATTENDEES: Edie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Rose Krasnow, Vinnie Hughes, Penny Boyce, Ellen Schofield, Gideon Samid, Mary Lee and Max Bliss.

President Sherry Matz called the meeting to order at 7:35 P.M. She then introduced Vinny Hughes, the City's new Neighborhood Resource Coordinator.

Several people were present at the community forum. Penny Boyce, of 7 Watchwater Court, wanted to know under what conditions the Board would enforce the nuisance clause contained in the covenants. As she had explained to the Board once before, her neighbors at 6 Watchwater Court frequently held noisy parties that lasted until the wee hours of the morning. The Boyce's had tried to discuss the problem with their neighbors, but nothing changed. The neighbors had also refused to take part in a city mediation session. Rose was instructed to seek the opinion of our new attorney. Penny was urged to try a second time to set up a mediation session.

Ellen Schofield, of 156 NME, had collected 13 signatures on a petition, which she presented to the Board. During the Spring, Rose had instructed our landscape company to trim a blue spruce that was encroaching on the sidewalk in front of 158 - 160 NME. Unfortunately, the landscapers took off the bottom 8 feet of the tree, hurting it from an esthetic standpoint. Ellen had called to complain soon after the pruning occurred, and Rose had agreed that it was a terrible job. Stolburg offered to cut down the tree and plant a new one at his expense, but in the meantime, the owner of 160 NME called to say how pleased she was with the new look. Rose asked the landscape committee to render an opinion. The committee felt that a large, healthy tree was probably better than a small, new one. As a result, the original tree was left in place. The petition asked that the tree be removed, and that the landscaper be required to put in a new 20-30 foot tree. Ellen also said that a supervisor from the community should always be on site when a project like this was being done. The Board thanked her for making them aware of this situation and agreed to discuss it under new business.

Gideon Samid of 13 Tapiola Court was present to discuss the monies owed on his account. Gideon said that he had lived in the community for 14 years and had paid his dues until 1998, when his wife left him and took everything with her. The house went to foreclosure, but Gideon's brother, Amnon, flew in from Israel and bought it on the courthouse steps. Gideon pointed out that he resumed his dues payments as soon as he was able, yet the community kept insisting that he owed the legal fees that had been accrued during the collection process. He stressed that the matter should never have been turned over to a lawyer; rather, someone should have knocked on his door to discuss the matter with him. Gideon suggested that in lieu of paying the fees, he would be willing to visit other residents who were delinquent in an attempt to get them to bring their accounts up to date. The Board declined his offer. Sherry pointed out that we have a dues collection process in place and that we followed that process. Amy pointed out to Mr. Samid that since the Association had to pay the legal fees as they were accrued, New Mark was already out the money. Nevertheless, in an attempt to bring the matter to a close, the Board proposed that Mr. Samid pay half the fees that were owed. Mr. Samid declined.

After the community forum was over, the Board discussed all three issues that had been raised. With respect to the matter on Watchwater Court, the Board felt it would be best if the two parties agreed to mediation by the City. With respect to the blue spruce tree in the 100 block, the Board instructed Rose to distribute a flier to the residents of 144 – 160 NME to ensure that a majority of the residents wanted the existing tree should be removed and a new one planted. If a decision was made to proceed, the Board felt that the new tree should probably be no more than 8 – 10 feet in height, because taller trees were less likely to survive transplantation. With respect to Mr. Samid, the Board felt that a formal offer to accept half the amount owed should be made in writing to Mr. Samid. The offer would be good for thirty days.

Upon a motion by Susan, seconded by Dorie, the minutes and agenda were approved as read.

Mary Lee and Max Bliss were present at the Board's request to discuss the activities of the Architectural Control Committee. Mary said that the number of applications was up considerably this year. The majority of the applications were for exterior painting, replacement windows, fences and satellite dishes. In response to Amy's question about how many applications were denied, Mary said very few. The committee had turned down a double hung window in one of the townhouses, but the Board overturned that decision on appeal. A brick driveway was turned down, as was a request for blue siding. Max asked why we required approval for basic maintenance items such as replacement windows. The Board pointed out that it was always better to understand the scope of a project before work was begun. It did not take much time to approve such projects, but it was always very difficult to ask someone to redo something. Mary asked if the Board had considered having five or six pre-approved colors, but the Board replied that this seemed more restrictive than the current system. The Board reminded the ACC that when in doubt, they should just say no. Residents always had the right of appeal. In a related matter, Max said that it was clear to him that many residents were deferring needed maintenance. He pointed out that this would ultimately cost the homeowner more money. The Board asked the committee to let them know of homes in poor repair so that property maintenance letters could be sent out. It was also suggested that the community might want to put together a home repair resource guide. The Board thanked Max and Mary for all of their hard work as community volunteers.

The Board agreed to defer action on the landscape committee report until the meeting of September 6<sup>th</sup>.

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

- 1) Pool: Matters had improved at the pool since representatives of Continental had met with the Board in July, but things were still far from perfect. It was clear that residents needed to be reminded that when they accompanied their young children to the pool, they needed to stay within arm's length of them. Ken also said that the shower rooms needed to be cleaned more thoroughly. Rose said that three new umbrellas had been ordered and should be at the pool any day. She and Jim had done some shopping around for additional shade possibilities. Nine foot market umbrellas were on sale for about \$400. The required base would cost an addition \$200 - \$300 dollars. Amy moved that we purchase one market umbrella. Dorie seconded the motion, which passed by a vote of 5 –1 (Ken voted no). Dorie asked about our policy regarding pool parties. Specifically, she was concerned about a large office party that had been held at the pool in July. The crowd was large, and participants were walking around the basketball court and elsewhere with beer bottles. The Board agreed that the party in question had grown too large for New Mark. Rose was instructed to let the resident know that we would not agree to hold the party in the future.
- 2) Tree Work: Rose reported that the tree work had been completed at a total cost of \$6500.

- 3) Dues: 10 residents were still in arrears. Three of these were paying monthly.
- 4) Asphalt work: Structural repairs were made without any problems in July. Crack filling and sealing would begin September 4<sup>th</sup>. Sivert planned to start cleaning the parking lot the week before.
- 5) Flooding behind 336 NME: For reasons that were unclear, recent heavy rains were flooding the area behind 336. Matt Stolburg was going to make the drainage way wider and deeper in order to address the problem.
- 6) Retaining wall: Work on the retaining wall behind 812 –822 was scheduled to begin on August 27<sup>th</sup>.

Under old business, Eddie said that he still felt residents were interested in an Adults Only Party at the pool, scheduled for Saturday, September 1. Rose was instructed to put an article in the August newsletter about the event. The Board agreed that a minimum of fifty people needed to sign up for the event to proceed.

The Board agreed to hold a special meeting on Thursday, September 20<sup>th</sup>, to review the Association's documents with our new attorney.

The Board agreed that there were no funds available at this time to support the writing of New Mark's history. Sherry said that she would let Mike Richmond know of this decision.

Under new business, Ken said that he had surveyed the community and learned that there are a total of 53 storm drains in New Mark. He felt that we should move ahead with the project to post signs reminding residents that anything put down the drains ultimately ended up in the Chesapeake Bay. After some discussion, the Board agreed to get a firm price on the signs. Sherry wanted to know who would write the grant proposal so that the community could be reimbursed for its costs.

Upon a motion by Eddie, seconded by Susan, the meeting adjourned at 10:40 PM.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 6, 2001**

ATTENDEES: Edie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow (arrived late), Richard Berman.

The meeting was called to order at 8 P.M. Upon a motion by Susan, seconded by Eddie, the minutes and agenda were approved by a 6-0 vote. Nan abstained since she had not been present for the August meeting.

Richard Berman was present because he wanted New Mark's go-ahead to set up a Mayoral candidate debate at the clubhouse and, if time permitted, to arrange a separate council candidate debate. He also volunteered to be the moderator. The Board had several questions concerning the proposed format, who would come up with the questions, whether there was significant interest to generate a crowd, etc. The Board agreed to discuss this matter further under new business.

Richard also wanted to know whether the Board has a policy to call the police and press charges when someone is caught engaging in vandalism. Members of the Board pointed out that it is very difficult to catch the perpetrators. Newsletter articles have tried to send a clear warning that it is the Board's intention to press charges. When children in the community are involved, some discretion is possible for a first offense. Richard urged the Board to develop a strong written policy and adhere to it.

Rose arrived at 8:16 p.m. The first item discussed under Officer & Committee Reports was the large satellite dish that Mr. Azami of 222 NME had placed in front of his home. The dish is legal under Federal law, but numerous people had called to complain about it. Rose wanted to know just what actions the Board was willing to take to get the dish on the roof. Would they cut down the very large, healthy tree in front of 220 NME or top the tree if that would provide enough of a site line? Would they pay to have the dish moved to the roof? Rose said that Mr. Azami had filed an ACC application, but it stated the dish would be on the roof. It was suggested that we talk to an expert, such as Alan Perry, who could give us advice regarding the relocation of the dish.

The Board discussed the priorities of the Landscape Committee and agreed that the erosion of the lake bank required immediate attention. Rose was instructed to get at least one other bid, since the EQR bid seemed very high.

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

- 1) Pool: The year had ended without incident. Rose had been prepared to recommend that we go with Continental for a second year, however, it now appeared that price could be an issue. Continental was proposing to raise their management price by 15% next year. The increase would only be 10% if New Mark signed a new contract by September 15<sup>th</sup>. The Board felt that this was far too great an increase, given the number of problems that were experienced during the past season. Rose was instructed to negotiate. Ideally, the Board was looking to sign a three-year contract with a 5% increase each year. New Mark must be granted the right to cancel at the end of any year. In addition, Continental needed to agree that New Mark could offer its own training session before the season began, so that the personnel would have a clear understanding of what was expected of them. In a related

matter, Rose reported that Continental had recommended several pool upgrades and repairs. The prices quoted were significantly lower if the community agreed to have the work done in the fall rather than next Spring. There was some discussion of each item. Rose offered to speak to the head of the Rockville swim center in order to get an opinion as to the necessity of each item.

- 2) Dues: A small amount of additional money had come in during the last month. The Board discussed the two families who were making regular payments but were still more than a year behind. It was agreed that once New Mark establishes a written dues policy, these two families should be given a limited amount of time to pay off their accounts in full. Otherwise, the community would be floating them a loan indefinitely.
- 3) Drainage Issue at 338 NME: Danny Sivert had submitted a proposal to fix a significant drainage issue in front of 338 NME. The cost was \$1875.00. Upon a motion by Ken, seconded by Amy, the Board unanimously agreed to accept the Sivert bid.
- 4) Tree issue at 290 NME: A large maple tree on private property at 290 NME had caused significant upheaval of the adjacent sidewalks, including the sidewalk on the common grounds. The owner of 290 NME finally seemed willing to have the tree taken down. Rose suggested that she obtain bids for the tree removal and the sidewalk repair. She proposed that New Mark pay up to 1/3 of the total cost of the project. The Board agreed with this plan.
- 5) Updated reserve analysis: Reserve Advisors had sent a proposal to redo the community's reserve analysis, which had last been done in 1994. There was a difference of opinion among members of the Board as to the value of such an analysis, although Rose pointed out that generally accepted accounting practices for homeowner associations strongly recommended that these analyses be done on a regular basis. The Board instructed Rose to get some additional quotes.
- 6) Ongoing projects: The Board learned that the asphalt work in the 200-300 block had been successfully completed. In addition, Stolburg Landscaping had created a new drainage way and swale to address the flooding behind 336 NME. The wall project behind 812-822 NME was underway but had been delayed by a few days because the contractor's supplier had run out of keystone blocks.

Under old business, Rose updated the Board on her recent conversations with our attorney regarding the outstanding money owed by Gideon Samid. The Board felt that the lien against Samid should be left in place. Rose also said that it appeared that Penny Boyce of 7 Watchwater did not want to go through the City's mediation process with her noisy neighbors. Rather, she wanted the Association to take action under the nuisance provision of the covenants. Amy stressed that she felt that this was an issue between two neighbors and that it didn't really concern the Association. Ken thought that someone on the Board should speak to the residents of #6. Rose was instructed to talk to New Mark's attorney about whether the nuisance provision of the covenants would apply in this situation.

Rose reported that although September 20<sup>th</sup> had been set as the date to discuss our covenants and bylaws with our new attorney, Ms. Lynn now had a conflict so a new date was needed. Rose agreed to email the Board after getting some dates when Ms. Lynn would be available.

Sherry mentioned that Community Service Day would be held on October 27<sup>th</sup> in the County, and that more volunteers were needed. Rose was asked to put something in the newsletter about this.

Debbie Kennedy, leader of a Junior Scout Troop that has met for the last two years in the Clubhouse, recently moved out of New Mark. She wanted to know if the Clubhouse was still available to her troop. The Board said that at least one member of the troop needed to be a New Mark resident, so that person could be the responsible party should any damage occur. Rose agreed to follow up to see if that was the case.

The meeting was adjourned at 10:55 PM upon a motion by Eddie, seconded by Amy.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 9, 2001**

ATTENDEES: Susan Klise, Dorie Mangan, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Loretta Stallings, Jason Olasky.

President Dorie Mangan called the meeting to order at 7:33 P.M. Jason Olasky of 874 NME and Loretta Stallings of 876 NME were present to discuss the long, brick wall that separates their two homes and extends out onto the common grounds. The wall is leaning and has some significant cracks. Jason believes that the wall is Loretta's responsibility, and he is worried that if the wall were to fall over, Loretta's backyard might also collapse. Both homeowners felt that this was a structural wall, built by the developer. Therefore, they wanted to know if the Association would help cover the cost of repair or replacement. The Board did not feel that it would be fair to use HOA assessments for this purpose. However, Rose did agree to see if the City could offer any technical expertise regarding the scope of the repairs that might be necessary. She also said she would try to get the names of some good brick masons who could offer an assessment of the problem. The Board also discussed a similar wall separating 278 NME from the common grounds. This wall seemed to be in better shape, but a wrought iron railing at the top was no longer secure. Again, the wall appeared to be the responsibility of the homeowner. Ken cautioned that if the Association became a party to the repair of these walls, the Association would become liable.

Upon a motion by Susan, seconded by Ken, the minutes of the September meeting and the agenda were approved unanimously.

Under Officer and Committee reports, Rose reported that the Azami's appeared willing to have their satellite dish moved to the roof, if the tree in front of 220 was trimmed back sufficiently. It appeared that at least 25% of the tree would have to be removed. Rose said that she would talk to Al Smith at 220 NME to see what his feelings were regarding such a significant pruning. She also suggested that, if possible, the satellite installer should be present while the pruning was taking place to insure that a sufficient portion of the tree was being removed to allow the satellite signal to be received.

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

- 1) **Vandalism:** One of the tennis court nets had been purposely set afire. The net was completely ruined, and some of the melted fiberglass had penetrated the surface of the court and could not be removed. The incident apparently occurred around 5 A.M. on Wednesday morning, the 3<sup>rd</sup> of October. No one had seen anything, but Bill Holdsworth of 10 Radburn Court observed the smoldering net around 6:30 that morning when he was walking his dog, and he poured water on it to put the fire completely out. Both the police and the insurance company had been notified.
- 2) **Pool:** Continental had agreed to a three-year contract with a 5% increase in price each year. Rose had spoken to the head of the City's Aquatic Center, and he felt that the repairs suggested by Continental were good ones. Upon a motion by Amy, seconded by Ken, the Board agreed to move forward with the following repairs: Installing dual drains in both pools as required by law, replacing a skimmer, replacing the sand in the filter tanks, and installing an automatic chemical feeder that would keep the pool water properly balanced at all times. The Board wanted an assurance from Continental; however, that the work would be completed by the end of October or it should be postponed until Spring, with no increase in cost.

- 3) **Lighting in the 200 block:** A bid of \$2410 had been received from Electric Advantage to install a path-type light in front of 210 NME. Rose said that the bid was so high because almost all of the trenching would have to be done by hand. The Board wanted to know why the homeowner couldn't install a motion detector light on her home to light the area sufficiently when needed. The Board was also willing to allow the homeowner to install low voltage lights along the Association sidewalk in front of her house (The Association could not do this, since it has no power source nearby). Rose also said she would seek some additional bids.
- 4) **816 NME:** The shingles on this townhouse are badly in need of repair, and the neighbors had complained many times. Property maintenance letters had been sent to the owner, but these had been ignored. Rose called the owner and gave him the name of three contractors who could do the work. The owner implied that he would address the problem.
- 5) **Wall behind 812 – 822 NME:** This project had been successfully completed and residents seemed pleased with the results. Dorie asked if anyone had complained about the openness of the area now that several trees had been removed to allow construction to occur. Rose said that Stolburg Landscaping was going to install 4 new white pines, and that the woods would quickly fill in again.
- 6) **Tree at 290 NME: Quotes** of \$2450 and \$1910 had been received for removing the tree at 290 NME. New Mark's concrete company had also provided a quote to do the necessary concrete work, but the price for the area in question had not been separated out from the total bid, which included additional work in the community. Rose would speak to the parties involved to try and determine who would pay for what. Mr. Tannozzini, the owner of 290, also wanted to know if he could build a rear fence that would actually include some common area land in his back yard. While the area in question did not really provide any purpose for anyone else in the community, liability issues were at stake. Rose was asked to talk to the attorney to see if a legal agreement could be drawn up that would exempt the Association from liability.
- 7) **Dues Update:** A significant amount of money had been received over the last month. Rose pointed out that 2 of the 8 homeowners who owed dues were paying on a monthly basis. In response to a question posed by Ken, Rose said that we have never added a service charge to the bill of the monthly payers. There was a consensus that we should only accept quarterly, not monthly payments. The terms should be set forth in a written agreement between the Association and the homeowner.
- 8) **Y-T-D Budget:** The Y-T-D budget was provided as preparation for discussing the 2002 budget.
- 9) **Chadwick Washington Legal Seminar:** Amy, Ken and Rose had attended the seminar. A number of topics of interest to New Mark had been covered, including satellite dishes and web bulletin boards. Ken remarked that our Association seemed far more knowledgeable than many of the others that were there.

Under old business, Rose said that New Mark planned to participate, along with several other Associations in Rockville, in a candidates forum that was being held on October 24<sup>th</sup> at the Executive Office Building cafeteria. However, the Mayoral Debate being held by the Hungerford Association was going to be held at the New Mark Commons Clubhouse on Wednesday, October 10<sup>th</sup>, because construction was not yet complete on the Elwood Smith Community Center. New Mark was offering the use of its facility free of charge, as a favor to Hungerford. To notify our residents, Rose had sent out an email to all New Mark residents who had listed an email address with the Association. Posters had also been put up.

With respect to the monies still owed by Mr. Samid, Rose said that the lien on his property remained in place and that she had not heard from him in the past month. The Board wanted the lien to stay. Rose had spoken to Shelah Lynn regarding Penny Boyce's complaint about her noisy neighbors. Shelah agreed that our covenants did have a nuisance provision that would apply in this case. However, our covenants did not really give us any enforcement powers other than taking the party to court, which she did not recommend.

Under new business, the Board felt that it might be best to meet with Ms. Lynn to review the Association documents in the morning rather than the evening. The morning of Tuesday, November 13<sup>th</sup>, was the Board's first choice, followed by Tuesday, November 6<sup>th</sup>. Otherwise, a time of 4 o'clock in the afternoon on Monday, November 12<sup>th</sup>, was suggested.

The Board decided to hold the Annual Board cocktail party on a Sunday in January.

A resident of the 200 block had requested that a Stop Sign be installed where the roads intersect in the parking lot. The Board felt that this was going too far. It was pointed out that people ignore stop signs all the time, even on city streets. People should be going slowly when traveling in the parking lots. The Board suggested that Rose write a newsletter article reminding people to drive carefully in the townhouse lots.

The Garden Club was interested in planting a tree on the common grounds to memorialize the victims of September 11<sup>th</sup>. Ken had suggested that a flagpole be installed instead. The Board was enthusiastic about Ken's idea. It was felt that the best location would be in the area between the tennis court and the pool. Several questions came up including who would pay for the pole and its installation, whether donations would be accepted, and whether a plaque would be installed.

Rose reminded members of the Board that the 2002 budget would be the primary topic of the November Board meeting.

Upon a motion by Amy, seconded by Nan, the meeting adjourned at 10:15 PM.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, NOVEMBER 1, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Jim Denny, Vinny Hughes (Neighborhood Resource Coordinator for the City of Rockville)

President Sherry Matz called the meeting to order at 7:35 P.M. No one was present for the Community Forum. Susan Klise remarked that it had been a very quiet Halloween.

Upon a motion by Susan, seconded by Amy, the minutes of the October Board meeting were approved. Sherry and Eddie abstained because they had not attended the meeting.

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

- 1) **Burglary:** A townhouse had been burglarized in the middle of a Saturday afternoon. The resident was quite new to the community, and many contractors had been making repairs to his home. The police thought that there could be a connection. Although nothing of major value was taken, the victim lost a leather jacket, some CD's, \$50.00, and some small electronics. Rose said she planned to inform the community in the newsletter. Although New Mark has a Neighborhood Watch Program, it has never been very active.
- 2) **Pool:** The repairs approved by the Board at the last meeting are in progress but not yet complete. Continental had called to suggest that we put a new whitecoat on the baby pool (Cost: \$2000) and have a cover made (Cost: Slightly less than \$2000). Rose said that while both of these expenditures might be warranted, she was surprised that they had not been suggested when the company made its recommendations for the coming year. Amy pointed out that the Board was still talking about modifying the baby pool, so it might not make sense to have a cover made at this point in time. Jim said that he could probably make a cover big enough to cover the baby pool, using a tarp and some lumber. The cover could be held down with sandbags. Ken worried that the sandbags would be an attractive nuisance, but Jim said that past experience has shown that kids only break into the pool during the summer. Eddie reminded the Board that he still thought that the baby pool should be moved to the shallow end of the large pool, with a barrier installed to separate the two. There was some question as to whether this would meet code. Rose said she would try to obtain an opinion from the County health inspector.
- 3) **Basketball Court:** Danny Sivert had submitted a proposal to repair the basketball court. He proposed that a portion of the court be excavated to see if some type of void had developed that was causing the surface to crack. He would then refill and compact the area, before spreading a 1 ½ inch layer of asphalt over the entire court. In addition, an asphalt curb would be installed at the edge of the court behind the garage that would address the continuing erosion problem in that area. The cost of the proposal was \$4105. Upon a motion by Susan, seconded by Eddie, the Board unanimously agreed to accept the Sivert proposal.
- 4) **Leaves:** New Mark's first leaf pickup is scheduled for November 19<sup>th</sup>, but many of the leaves have already fallen. Rose asked Vinny to look into whether the City might be able to make a collection in the community prior to the 19th. Otherwise, the Association might need to pay Matt Stolburg to remove the leaves.
- 5) **Dues:** No money had been received since the meeting three weeks ago, but the Association would receive the 2001 dues and legal fees owed by Mr. Anderson because he was in the process of refinancing his house.

Under old business, Rose said that our attorney, Shelah Lynn, did feel that it would be possible to draw up a legal agreement that would hold the Association harmless if the owners of 290 NME wanted to fence in their backyard, including some of the common grounds. The Board felt that the homeowner would need to pay for the cost of drawing up the document. Amy said we would probably need to retain some right of access.

The Board discussed the 2002 proposed budget. Rose pointed out that there were few significant changes. The cost-of-living index for the Washington area had increased 2.7% from September to September. This would raise everyone's dues by \$18 - \$20. Rose's salary would also be increased by 2.7%. During the past year, our insurance costs had increased significantly, and this could happen again. In addition, our pool management company was charging 5% more for the coming year. The only other major increase had to do with legal fees. If the Board decided to rewrite some of its governing documents, Shelah Lynn had said that this would cost a minimum of \$3000. Rose pointed out that we would probably need to rewrite both our covenants and bylaws, and we also wanted to establish a written dues collection policy. It might be possible to spread this out over more than one year, particularly since our covenants call for a three-year waiting period before any changes could take effect. Eddie asked if we were contributing too much to the reserve fund. Rose felt that we were approaching the upper limits of what we should keep on hand, but pointed out that a new reserve study would be helpful in determining just how much money we might need to replace aging parts of the community's infrastructure.

The meeting to discuss the Association's documents was set for Tuesday morning, November 13<sup>th</sup>, at 9:15 at the Clubhouse. It was expected to take 2 – 3 hours. Amy asked if Shelah could send us some documents that her firm had drawn up for other communities.

Under new business, Rose said that the City planned to post signs that would help guide voters from New Mark to the new polling place at the Elwood Smith Community Center.

Nan mentioned that some of the railroad ties in the island in front of her home had been damaged, probably by a city garbage truck. Rose agreed to look into this.

Eddie reminded Rose that the snowplowers needed to plow the sidewalk near the parking lot in front of 254 – 260 NME.

Upon a motion by Eddie, seconded by Susan, the meeting was adjourned at 9:00 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, DECEMBER 6, 2001**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen (arrived late), Rose Krasnow, Jim Denny, Jim Whalen, Rosemary & Bob Harger.

President Sherry Matz called the meeting to order at 7:35 P.M. Jim Whalen was concerned that the City had restricted access to South Adams Street at Route 28 so that only "right turns in" and "right turns out" were being allowed. As a result, New Mark residents could no longer get home from downtown Rockville by going on S. Adams. Rather, it was necessary to turn east on Rt. 28 and go to Maryland Ave, a route that was more congested and included three traffic lights. Jim understood that the residents of South Adams had asked for this change, but he felt it was unfair to other taxpaying citizens to limit access in this way. He was going to let the City know his opinion, and he hoped that the Board would weigh in as well. The Board agreed to write a letter of protest and to include an article in the next newsletter encouraging other residents to do the same.

The Hargers were present to discuss the '02 budget. The budget as presented showed an additional \$5000 being spent on legal fees because the Board was considering rewriting the covenants. Bob felt that the covenants were not something to be changed just because the Board felt so inclined. He said that the residents of New Mark needed to be actively involved in the decision. Amy pointed out that everyone would be involved in the process, since it took a 2/3's vote of the community to change the covenants. She explained out that our documents were old and gave the Board very limited enforcement powers. In addition, several new State and Federal laws conflicted with our documents. Rose explained to the Hargers that when we hired new legal counsel this year, a review of our documents was included as part of the retainer cost. The review had occurred in November, but the Board had not yet decided to undertake such a major enterprise. Mr. Harger still seemed skeptical, and he criticized the Board for failing to enforce the current covenants and bylaws. The Board said they would take his comments into account before making a final decision about revising the documents.

Rose informed the Board that Dick Leary of 228 NME had passed away recently after a long battle with cancer.

Upon a motion by Susan, seconded by Dorie, the minutes and the agenda were approved as written.

Under Officer and Committee reports, Rose said that no application had yet been received from 234 NME for the construction of a sunroom. However, the homeowner had sought signatures from residents on the other side of the lake, two of whom had emailed the Association to voice their displeasure with the proposed addition. Rose was instructed to pass these comments onto the ACC, once the application was in hand.

The City had sought to replace a tree on Cumbernauld Court, only to learn that the Amir Cork tree, chosen by New Mark's tree committee, was unavailable in this area. The City recommended that a Celebration Maple be planted instead. Linda Silversmith said that the committee would need to be reconvened so that an alternate selection could be made. The Terhaar's, of 6 Cumbernauld Court, were eager to get a new tree planted and were in favor of the maple. Upon a motion by

Amy, seconded by Susan, the Board voted unanimously to approve the planting of Celebration Maples on Cumbernauld Court.

Rose said that the Garden Club was not in support of installing a flagpole in the community as a memorial to the victims of September 11<sup>th</sup>. They still wanted to plant a tree and were concerned that the Board had not accepted their recommendation. Everyone agreed that a misunderstanding had occurred. The Board didn't think another tree was needed in the community, but the garden club wanted a living memorial, not a flagpole. Rose was instructed to talk to Garden Club President Rose Sharkey to see if an acceptable alternative could be found. One suggestion was to plant a small garden at the entrance that could be marked with a plaque.

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

**Pool:** Although the repairs had been completed, the experience had been very frustrating. New Mark's area supervisor had been promoted to the Richmond area, so a new person was in charge of suburban Maryland. Too many people seemed to be involved with every project, and one person didn't know what the other was doing. For example, Rose had to call Continental and point out that they had replaced the wrong skimmer. The Board suggested that Continental be invited to a meeting during the winter months to discuss some of these issues and to make it clear that this type of performance was not satisfactory.

**Neighborhood Watch:** The article in the Newsletter about the burglary on New Mark Esplanade had generated numerous calls from residents. Norm Hampton and Arnold Rubin were both interested in reviving New Mark's Neighborhood Watch program. Rose agreed to ask them if one or both would be willing to serve as New Mark's representative to the City's Watch committee. As an aside, Dorie asked if the butterfly garden planted in the City's Right-of-way on Potomac Valley Road was legal. Rose said she would pose the question to Vinnie Hughes, the Neighborhood Resource Coordinator assigned to New Mark.

**Path Lights:** The path lights between New Mark and Maryland had stopped working in late October but the problem had not been reported to Rose until a few weeks later. New Mark's electrical contractor's found that the underground wiring had been cut in several places, probably as a result of landscaping work undertaken by a homeowner whose property backed onto the path. Because the trenching had to be done by hand, the cost of laying new wire would be in the range of \$2000 to \$3000. In other lighting matters, Rose said that the resident at 210 NME did not want a path-type light in front of her home, rather she wanted another streetlight placed on the peninsula adjacent to the parking lot near her home. The Board instructed Rose to check with other residents in the area to see if they also wanted another street light.

**Parking:** In the Spring, the parking spaces in the townhouse areas would need to be restriped. Two residents had asked if the lines could be extended three feet out from the curb so that it would be easier for people to park correctly. The consensus of the Board was that the striping should not be changed. Lines would not necessarily improve the way people park, and the community would end up with a more commercial look.

**Reserve Study:** Nine companies had received requests for proposals. Three bids were in so far. Rose would distribute all the proposals to the Board prior to the next meeting. It was suggested that the Board narrow the field down to two companies, which could be invited in for an interview at the February meeting.

**Dues:** The Freeds were not current on their \$75/month payment. The Board instructed Rose to initiate lien proceedings if the money was not received by December 31<sup>st</sup>. Rose said that Mr.

Anderson's refinancing had not gone through. Therefore, the court proceeding scheduled for December 12<sup>th</sup> would move ahead.

**Resolution:** Attorney Shelah Lynn had faxed over a copy of the resolution she suggested that the Board adopt in order to clarify that the term "Costs of collection" in our covenants did include attorney fees. Since the Board had not yet had time to read the proposed resolution, the matter was tabled until the next meeting.

Under old business, a brief discussion ensued about the year 2002 budget. There was consensus among the Board that the dues should be raised by the cost of living. However, Eddie pointed out once again that it would not be hard to increase the return on our investments if we put some of our money into treasuries or Maryland bonds. Rose said that our covenants were silent as to the investment of these funds, but that our accountant had always recommended that the monies be invested only in government insured products. The Board instructed Rose to get an opinion from our accountant and from our attorney about broadening our investment options. Upon a motion by Amy, seconded by Susan, the budget was approved as presented.

The Board then discussed whether or not to attempt amending the covenants and bylaws. While there were several flaws in our existing documents, the community still functioned quite well. Any attempt at change would require a great deal of work and could be devious. The Board considered appointing a task force to determine the advisability of proceeding. Another option was to put an article in the newsletter discussing the pros and cons of amending the documents. Others felt that the decision to move ahead should be made by the Board alone. Once the documents were rewritten, it would be up to the residents to decide whether to adopt the proposed changes. After considerable debate, the Board determined that there was no real consensus. It was suggested that everyone take a closer look at the Condo documents that Shelah had sent for review. If the Board could determine that these contained sections that would be beneficial to New Mark, it might make it easier to decide to move ahead. Rose was also asked to speak to Shelah to see if other communities had wavered when deciding whether to attempt a document revision. If so, did she have any suggestions that might help the Board.

Under new business, Rose said that matters between Torri Schaffer of 320 NME and her neighbors, the Walkingtons of 326 NME, had significantly deteriorated. Bob Walkington had called the City, and Torri's home business was definitely in violation of Rockville City Code. Therefore, the City had given Torri two options: move elsewhere or put the business in a more appropriate, office location. Torri had responded that she would put her house on the market.

The Board agreed that a letter should be sent to the Mayor protesting the closing of South Adams Street. Rose agreed to draft a letter for Sherry's signature. A newsletter article would encourage Individual residents who opposed the closing to send in letters as well.

The meeting adjourned at 10:40 P.M.