

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JANUARY 10, 2002**

ATTENDEES: Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Rose Krasnow, Jim Denny, Francis & Hung-Yuan Meng, Rose Sharkey, Hans & Toni Schierling.

President Sherry Matz called the meeting to order at 7:35 P.M. Francis Meng and his wife were present to appeal the ACC's rejection of their application to build an 8' x 10' glass sunroom at the rear of their home. Mr. Meng said that he understood that there were no similar structures in New Mark, but he argued that change in and of itself wasn't bad as long as the change enhanced the community. He also said that it would be a mistake to equate harmony with uniformity. He felt that the townhouses already varied considerably without being inharmonious. He understood that some of the residents who signed his application objected to the structure, but he said that this could simply be a personal bias, not based on the community's best interest. Finally, he said that his contractor could modify the structure so that there would be less glass, so that it might match the townhouse more closely. In response to questions, Mr. Meng said the glass would not be tinted, and that the proposed structure was 8 feet high nearest the house but then it sloped downward. Jim said the site was screened by trees and shrubs. The Board told Mr. Meng that the matter would be considered under new business.

Rose Sharkey and the Schierlings were present to discuss the Garden Club's suggestions regarding the best location to plant a tree memorializing those who lost their lives on September 11th. One possibility was the area behind the brick wall near the baby pool. A large evergreen had been there until recently, but it died and was removed. A second suggested area was to the right of the steps leading down to the bridge. Some of the scrub trees in this area would have to be removed to provide adequate space. The Club said that they thought it appropriate to plant a Douglas Fir, because it is an evergreen and very strong. Although they are slow growers, they can reach a height of 40 to 80 feet, with a 12 – 20 foot spread. The Garden Club was willing to contribute just under \$300 toward the tree and commemorative plaque. They hoped this would become a community project and that other residents would make donations. The Board discussed the two locations. Jim pointed out that the area near the bridge was often used by kids on bikes and skateboards. Hans said that planting a large tree there might also block the view of the lake as people drove down the Esplanade toward Maryland Avenue. However, everyone agreed that the lake site was seen by more people. The Board thanked the Club members for their input and agreed to look more closely at both sites. The club was asked to get more information about costs.

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

Under officer and committee reports, the Board discussed Linda Silversmith's email, in which she voiced her dismay that the Board had overruled the Landscape Committee and had authorized the City to plant a Celebration Maple on Cumbernauld. Linda had tendered her resignation as Chair of the Committee in protest, and she wanted to know if the Board still thought it was important to have a Landscape Committee. Everyone agreed that the committee was important, since the Board clearly did not have time to consider every request to remove or plant a tree. However, the Board felt that it had acted correctly in moving ahead to allow a tree to be planted on Cumbernauld this fall. Dorie moved that we speak to Linda

and agree to accept her resignation but that we ask her who else serves on the Committee so that we can begin the search for a new chair. Linda could then be thanked in the newsletter for heading up the committee for almost eight years. Susan seconded the motion, which passed unanimously.

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

Dues: At the end of 2001, six people had not paid all or part of their dues. The Anderson court case had been heard on December 12th. Mr. Anderson had not contested the action, so our attorneys were confident that the judge would rule in our favor, but it took several weeks to get the official judgement. The Association could then attempt to get the monies owed by garnishing Anderson's wages.

South Adams Street Closure: A copy of the letter sent to Mayor Giammo regarding S. Adams had been distributed to the Board. A response had not yet been received. Apparently, the city was planning to do a traffic study of the entire area. It was not clear whether the temporary barrier would come down on February 10th while the study was being done or whether a permanent barrier would be installed at that time. Everyone agreed that it would be best to delay the installation of a permanent barrier. Sherry said that she would follow-up with Vinnie Hughes.

290 NME: Rose explained to the Board that a maple tree growing on private property at 290 NME had lifted the sidewalk belonging to the Association, causing a tripping hazard. Although the owner, Tom Tannozzini, agreed that the tree needed to come down, he balked when he heard that it would cost \$1950. He offered to pay a third. Rose recommended that the Board accept his offer, because the Association was at risk of being sued if someone tripped. However, the Board saw no reason why HOA funds should be used to remove a privately owned tree. At the very least, it seemed that the owner should pay half. Rose was instructed to ask our attorney, Shelah Lynn, if she had any advice on this matter. The Board wondered if Mr. Tannozzini could be required to sign a document stating that the Association would be held harmless if someone was injured. Jim wondered whether a timber company might want the tree for the lumber. If so, they might take the tree down at no cost. Jim also said that it was quite likely that the roots of the tree were wrapped around gas lines laid in that area. Dorie asked who would pay for the sidewalk repairs. Rose said that both property owners seemed willing to pay for their part of the sidewalk replacement.

CH Parking Lot: Rose had recently received calls from two homeowners who wanted to their park excess vehicles, namely a van and a car, in the clubhouse lot. The Board's general policy had been to exclude such vehicles from the lot. However, both homeowners lived on city-owned cul-de-sacs, and if either vehicle was parked on the street, it would make circulation difficult, particularly for emergency vehicles. The Board finally agreed to let both homeowners park in the CH lot, as long as they parked in the areas designated by Jim. Ken suggested that anyone parking in the clubhouse lot be required to sign a form stating that they understood that the Association was not responsible for any damage that the vehicles might sustain.

320 NME: After being cited by the city for operating a home business illegally, the owner of 320 NME responded that she would put the house up for sale. However, no "For Sale" sign had appeared. Several arguments had taken place over the last month between the owner of 320 and the owner of 326 NME.

Alarm at the Clubhouse: Rose said that the police had been called to the clubhouse on six occasions last year, always for false alarms. This was occurring because so many people used the clubhouse, and none were experienced with the operation of the alarm system. Several hundred dollars in fines had been paid. Rose suggested that it might be a good idea to keep the alarm turned off at least until spring. The Board agreed.

CAI Expo: CAI was holding its annual Expo on Saturday, February 9th. The agenda appeared to be excellent, and both Rose and Ken were planning to attend. Rose asked anyone else who wished to go to let her know.

Correspondence: Montgomery County sent a letter announcing that pool fees were being raised from \$600 annually to \$650.00 and that dual drains had to be in place by June 1, 2002.

Under old business, the Board discussed the seven proposals received to perform a new reserve analysis for the community. A number of the proposals were quickly ruled out based on cost or a lack of responsiveness. Ultimately, the choice came down to Reserve Advisors, the Milwaukee firm that had done the analysis in 1994, and Richard Scheutz, a local architectural firm. Their prices were very similar. Although some felt it might be better to use a local firm, Mr. Scheutz's associate was out of the country until the end of March so it would not be possible to have him in for an interview before April. Jim said that he found Reserve Advisors' study very easy to read. Rose said that Reserve Advisors had been easy to work with and that they had lowered their price by about \$1000, so it was clear they wanted the job. Rose asked, however, if the Board might prefer to bring in someone who would see the community through different eyes. She pointed out that Mr. Scheutz had experience with projects such as bathhouse renovations, something the Board was considering doing. Upon a motion by Susan, seconded by Dorie, the Board moved to accept the proposal from Reserve Advisors. The motion carried with three votes in favor. Ken abstained.

Discussion regarding Mr. Meng's ACC appeal revealed that members of the Board held a variety of opinions. The Board agreed to table this matter until February, when more Board members would be present. Everyone was asked to go look at the site. Rose was instructed to let Mr. Meng know of the delay.

The Board discussed dates for two upcoming events. March 3rd was tentatively selected as the date for the Cocktail Party and March 21st was suggested for the Annual Meeting. Everyone was asked to check their calendars and let Rose know if both of these dates worked.

Rose said she had retrieved the papers relating to the IRS's decision that New Mark was a for-profit corporation. These had been sent to Shelah Lynn for review.

The meeting was adjourned at 10:45 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 7, 2002**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan (arrived 10 minutes late) Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Jim Denny, Vinnie Hughes, Mark, Ayelet and Eli Goldberg (arrived at 7:50 PM).

President Sherry Matz called the meeting to order at 7:32 P.M. Upon a motion by Susan, seconded by Ken, the minutes and agenda were approved as read. Nan and Amy abstained because they were not present for the January meeting.

Under Officer and Committee reports, the Board discussed the Garden Club's proposal to plant a Douglas Fir as a memorial to those who died on September 11th. Although the Board liked the site adjacent to the steps going down to the bridge, there was a concern about whether there would be enough sun in this location for the tree to thrive. Amy moved that the site be approved, pending an opinion from the Garden Club that it offered sufficient light. Otherwise, she proposed that the tree be planted in the area by the baby pool. Susan seconded the motion, which passed unanimously. Rose was also instructed to ask the club if "wet roots" might be a problem, since there were underground springs in the vicinity of the bridge.

The Board discussed the glass sunroom proposed by Mr. Meng of 234 NME. Several people felt that the structure would not be visible, given the existing trees and shrubbery on the site. Jim pointed out, however, that if someone on the other side of the lake wanted a greenhouse, there would be no way to screen it. Some members felt that the glass "greenhouse" would be smaller and less obtrusive than an actual sunroom. While there was no precedent for a greenhouse, that did not necessarily imply that such a structure would not be in keeping with the architectural harmony of the community. Susan moved that the greenhouse be rejected. Amy seconded the motion. The motion failed with only 2 votes in favor (Susan & Amy); 4 opposed, and 1 abstention (Dorie). Ken moved that the approval be subject to the condition that the Meng's provide a permanent landscaped screen of trees or bushes at least four feet high. Eddie seconded the motion, which passed unanimously.

Marc and Ayelet Goldberg of 9 Vallingby Circle were present to appeal an architectural control decision. The Goldberg's were undertaking extensive renovations of their house, which they had recently purchased. The ACC approved all of their proposals, except a request to replace their single panel metal front door and adjoining panel of glass, with a multi-paneled double door made of stained wood with glass inserts. Marc viewed the glass panel as a security risk and a danger to his young son. He said that the location of his house makes his front door almost invisible. He recognized that none of the contemporary houses had double doors, but he felt they would be far more attractive than the colonial-style screen doors that could be found on many of the contemporary homes. He also said that many people had obscured their glass panel by hanging flags or blinds in the space. He passed around a number of photos he had taken to illustrate his points. Sherry thanked him for coming and said that the Board would take the matter up under new business later that evening. Marc wanted to know whether he could go ahead and install a multi-paneled single door if the double door were rejected or would he have to file a new ACC request. Sherry said the Board would discuss that as well.

Rose updated the Board regarding the fence dispute between the residents of 19 and 21 Watchwater Way. Terri Kaufman of 21 Watchwater had filed an ACC application to install a dog run in her backyard, but the fence was constructed before the committee had a chance to review the request. The application had not contained the signatures of any neighbors. The Stimlers, of 19 Watchwater Way, were concerned that the new fence posts had been installed so close to their fence that it would weaken their posts and make future repairs difficult. Ms. Kaufman claimed that the Stimler's fence actually encroached onto her property. The ACC felt that the fence itself was acceptable but referred the matter to the Board in light of the border dispute. Rose had informed both parties that it was unlikely that the Board would intervene in a border dispute between two private property owners. In turn, the owners let Rose know that they wanted to avoid a confrontation, so they were willing to drop the matter. The new fence could remain in place.

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

- 1) **Reserve Study**: The contract with Reserve Advisors had been executed and an engineer had spent the day of the Board meeting surveying New Mark's capital infrastructure. Eddie said he wanted to state on the record that he was opposed to the Reserve Study because he felt it was a waste of funds. However, Amy pointed out that several people in the community felt that too much money was being placed in reserve, so the Board needed to hire someone who could advise us as to the amount that would be needed in the years ahead. If we have too much, the Board could lower future dues increases. Ken said that he supported the need for a new study. He had abstained on the vote to select Reserve Advisors because he felt the Board should have given Richard Scheutz an opportunity to make a presentation about his firm's abilities. Ken asked Rose to find out when the analysis would be completed.
- 2) **Dues**: Rose reported that 50 people had not paid the first installment of their dues. However, several people who were habitually late had paid on time this year. Rose said that legal action would commence against at least one resident unless payment was received by the 15th since they were also in arrears for the second half of 2001.
- 3) **Retaining Walls**: Sam Fanning, who had replaced two retaining walls in New Mark during 2001, had called to say that he would give us a 6% discount on the prices he had quoted for several other walls if construction was approved during the month of February. Rose felt that the retaining wall between 278 and 280 NME was a priority project. Susan moved that we approve the expenditure of \$2800 (less 6%) to rebuild that particular wall. Eddie seconded the motion, which passed unanimously.
- 4) **South Adams Street Closure**: The meeting held by the City on Tuesday, February 5th, was well attended by members of the Board and community. There was a surprising amount of animosity displayed toward New Mark. Vinnie Hughes suggested that the residents of the 22 homes on S. Adams were fearful that their opinions would be drowned out by the greater number of New Mark voices. During the City meeting, someone had suggested that New Mark Esplanade be opened up to Monroe. In order to prevent this possibility, the Board felt that New Mark should not continue to oppose the plug on South Adams. There was some debate as to whether the Board should write a letter to the City expressing this view, since it was clear that some residents of the community might not agree. Rose was asked to put an article in the newsletter soliciting the opinion of residents. Rose read a statement that Richard Berman had sent to the City supporting the plug. It was pointed out that any resident could express his or her view to the city, whether or not

the Board took an official position. All agreed that the whole issue could have been avoided if the City had simply informed nearby neighborhoods of the proposed plug. Amy also pointed out that there was a big difference between opening up a street that had always been closed (New Mark) and closing a street that had always been open.

- 5) **Fidelity Bond**: It had come to Rose's attention that our fidelity bond coverage of \$100,000 was not adequate. Our attorney said that the standard called for a bond that covered the amount of reserves plus 1/3 of the annual operating budget. For New Mark, this would mean a fidelity bond of approximately \$600,000. Our insurance agent had obtained a quote of \$1032.00 for such a bond. Eddie moved that we purchase the increased protection. Nan seconded the motion, which passed unanimously.
- 6) **320 New Mark Esplanade**: Upon checking with the city regarding the home business operated by Torri Schaffer at 320 NME, Rose had learned that Torri was looking for office space and planned to move the business out of her home by April 1.
- 7) **Audit**: The Board learned that New Mark's annual outside audit was underway. Financial reports would be available by the Annual Meeting.
- 8) **Correspondence**: The Kasses, of 272 NME, had written asking New Mark to do something about their downspout, which dumps water out on the common grounds at the front of their property. Rose pointed out that many of the townhouses had a similar configuration. While unattractive, Rose did not think it was against code. The Board agreed that the Association did not have any responsibility in this matter. A letter had also been received from the League of Women Voters, offering to conduct the Association's elections – for a fee. The Board felt they could manage the process on their own, as had always been done. Finally, a group called "Marylanders for Better Transportation" had written requesting an opportunity to meet with the Board to explain their statewide transportation agenda. Board members were unfamiliar with this group and did not wish to get involved with this issue.
- 9) **Miscellaneous**: Nan pointed out that if the community would remove one of the bushes that the Sullivan's had planted on the common area near their home at 200 NME, safety would be improved for drivers. Rose agreed to look into this. Nan also asked if Azami had ever received a copy of the petition that residents had signed protesting his satellite dish. Rose pointed out that the petition had been submitted to the Board. However, she said she would be happy to send it on to him so that he would understand the extent of the unhappiness that the dish was causing. Dorie suggested that the letter point out to him that if he has any conscience at all, he should move the dish. On another matter, Sherry said that she heartily recommended Rockville Lock and Safe. Nan said that she had been very pleased with the services of plumber Richard Whalen.

Under old business, the Board agreed to postpone the cocktail party until May to avoid having 4 Board events within a 30 day period. A suggestion was also made that the Annual Meeting be moved to a different date to avoid a conflict with the NCAA tournament. After considerable discussion, Monday, March 18th, was chosen as the new date. Rose proposed that attorney Shelah Lynn be invited to explain some of the pros and cons of attempting a document revision. The Board supported this idea. It was agreed that if Shelah could not come on the 18th, the meeting should be held on the 21st. Four people had expressed interest in running for the three Board vacancies. Dorie and Eddie would both seek a second term, and Joe Jordan and Steve Snapp had also put their names forward.

Under new business, the Board debated the ACC matter regarding the Goldberg's request to install a double front door. Dorie moved that the doors be denied. Susan seconded the motion, which passed unanimously. The Board felt that they should not render a decision as to the acceptability of a multi-paneled, wood single door. The Goldberg's would need to submit a new application to the Architectural Committee.

Dorie asked again if the butterfly garden at the corner of Potomac Valley and Leonard was legal. Apparently, the owners needed to request permission for the garden from the city and this had not been done. Dorie said it was a safety hazard. Vinnie Hughes agreed to look into actions that could be taken.

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

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 7, 2002**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Ken Misner, Amy Sloan, Nan Whalen, Rose Krasnow, Jim Denny, Vinnie Hughes, Bob Schreiber, Steve Snapp, representatives of Continental Pools including Nick Lally, Nick Terrabrook, and Stacy Kyritsopoulos.

President Sherry Matz called the meeting to order at 7:35 P.M. No one was present for community forum. Representatives from Continental Pools were present to discuss the upcoming season. Rose asked why she had received a bid for a number of repairs that had already been completed and paid for last fall. Nick Lally apologized and said this was an administrative mistake. He said that they were trying to reach the many communities that had not done fall repairs. The Board said that it seemed as if Continental had gotten too big. Nick L. explained that Virginia and Maryland had now been divided into two separate entities with different managers and supervisors. Since everyone would be responsible for a smaller area, it was hoped that responsiveness would increase. Nick L. also pointed out that they had started hiring a significant number of foreign nationals, so staffing was less of a problem. Nick announced that Becky would be back as New Mark's manager and that she expected to be available for the entire summer. Justin would return as assistant manager. Eddie pointed out that last year staff always seemed to have visitors and siblings hanging around in the guard office. Susan said it would be very helpful if someone would simply make it known what all the rules and expectations were early in the summer. The Board asked about the high number of repairs that were undertaken last year. Sherry pointed out that we do not necessarily need the latest of everything, because our costs are escalating. Nick T. said that he would be happy to delineate the must haves from the nice to have. Rose requested that our pool be one of the lasts to be cleaned to save on electricity costs. The Board also asked for an opportunity to meet the entire staff before the pool opened. Amy stressed that the guards must be willing to clean the bathrooms on a regular basis, even though it wasn't a task they enjoyed. It was pointed out that guards needed to arrive early enough to have the entire pool and deck vacuumed before the opening. In addition, no guests should be allowed in early. Eddie also reminded Continental that it was important for every guard to have all his/her certification up to date and posted prior to Memorial Day. Rose asked Continental to check out the condition of the diving board because a bolt had simply broken in half after the season had ended. Finally, Continental was reminded that no chlorine should be kept on site once the pool had closed for the season. Continental thanked the Board for their comments and stressed that even returning guards were required to go through a retraining process and that a module had been added to teach the guards better assertiveness and customer service techniques.

Eddie corrected the minutes from the February meeting to reflect had although the Board had denied the Goldberg's request to install a double front door, Eddie had voted in favor of the request. Upon a motion by Susan, seconded by Ken, the amended minutes and the agenda were approved.

Under the Garden Club report, Rose said that she had received only one \$5 contribution toward the Memorial Tree so she wasn't sure what to do with it. Two other Board members immediately contributed \$5.00 each, and Rose was instructed to put something in the newsletter thanking everyone for the donations received to date and asking for new ones. Nan pointed out that an announcement about the tree fund could be made at the annual meeting,

which might encourage others to contribute. Rose reminded everyone that the Garden Club was holding a special event featuring a speaker from the Smithsonian on Tuesday, March 12th.

Under Architectural Control, Rose reported that an application had been received asking for permission to install a Fiberon deck, rather than a deck made with pressurized timbers. Given recent published concerns about the arsenic contained in pressurized wood, Rose felt certain that the ACC would approve this new product, which was actually made of vinyl. Ken wanted to know if the Meng's had been informed that the Board had approved their greenhouse. Rose said that the Meng's were very pleased and had readily agreed to provide a screen of trees or shrubs. Rose said that the Goldbergs had been informed that their double door had been rejected. So far they had not submitted a new application to install a single door with glass inserts. Nan wanted to know if the Azami's had received the satellite petition. Rose said she had just sent it out.

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

- 1) **Landscaping projects:** At Rose's request, Matt Stolburg had submitted proposals for a number of landscaping projects. Some of them had already been approved, because the prices quoted were under the \$500 limit that required separate Board action. However, one project called for planting vinca in front of Barbara Cano's house at a cost of \$1075, since it did not seem possible to get grass to grow in this area. Barbara was willing to water the plants. Ken moved that the proposal be accepted. Dorie seconded the motion, which passed unanimously. Rose also informed the Board that Linda Silversmith had requested that no mulch be placed on the entrance island because of concerns that the landscapers would put too much mulch down.
- 2) **Earth Day:** Carol Rushing of 332 NME wanted the Board's approval to organize a clean up of the woods along the bike path on Saturday, April 20th. Rose pointed out that prior attempts to organize Earth Day in New Mark had not met with great success. Nevertheless, Carol did not think she would need a large group of people. The Board suggested that an announcement be made at the Annual meeting.

NOTE: At 8:45 P.M., President Matz left the meeting because she wasn't feeling well. Vice-President Mangan took over.

- 3) **Dues:** 9 Owners were in arrears. The owner of 898 NME had once again filed for Chapter 13 bankruptcy protection.
- 4) **Wall at 278 NME:** The Board had approved replacement of the tiered retaining wall between 278 and 280 NME. Andrea Eaton, the owner of 278 NME, decided to replace her failing brick wall at the same time, using New Mark's contractor. However, she felt that the main purpose of her wall was to hold up the Association's land, and she was seeking at least partial compensation for the thousands of dollars she had put into the project. Upon a motion by Ken, seconded by Nan, the Board voted to give Ms. Eaton \$500. Amy and Susan both voted against the motion.
- 5) **Pool Chairs:** The condition of the chaise lounges and deck chairs, which were purchased in 1992 and 1994, had deteriorated significantly over the last year. At the CAI Expo, Rose and Ken had talked to two companies that will repaint and restrap the chairs at a considerable cost savings over purchasing new ones. One of the companies had actually fixed up one chair to demonstrate that it would look as good as new. After examining the sample chair, Amy moved that The Board authorize an expenditure of up to \$7200 to Criterion to repaint and restrap all of the pool chairs. Ken seconded the motion, which passed unanimously. Rose was asked to put a return date of May 15th into the contract. In addition, the contract should state that nylon feet would be replaced on the chairs and that all broken hardware would be replaced at no additional cost.

- 6) **Web Site**: Rose pointed out that Rich Schmidt, New Mark's webmaster, had recently upgraded the site so that the home page contained current information that would be pertinent to homeowners. Susan asked if the entire newsletter could be put online. Rose thought that it probably could.
- 7) **Insurance**: A notice had been received stating that the Association's general liability insurance premium was going to rise by \$4100, a tremendous increase. Our agent was seeking to get this increased lowered.
- 8) **Shade Structure**: The shade structure over the shallow end of the pool was starting to show its age. Rose wanted to know if the Board thought it should be replaced or removed. The Board was split. Some members felt that the structure only served to attract young, non-toilet trained children to the big pool. Others felt that it made our pool unique, while providing some shade. Amy moved that we remove it this year and assess the reaction from the community before determining whether to build a new one the following year. Susan seconded the motion, which passed unanimously. Rose suggested that she try to get some bids to replace the structure while it was still standing, so that bidders would understand what the structure looked like.
- 9) **Nonprofit Tax Status**: Shelah Lynn, NMC attorney, had written a letter stating that New Mark would not qualify as a 501 c(3) or c(4) corporation but that there were other elections we could make each year under the tax code that would exempt excess revenues from being taxed. Rose discussed the letter with accountant Monte Loeb, who said that this was what he had always done.

Under old business, the Board discussed the South Adams Street closing. Vinnie Hughes said that the city's traffic study had been completed, and the data revealed that requiring residents to travel on Maryland Avenue only increased trip time from downtown by a minute or two. The Board said that they no longer opposed the closing of South Adams and that their concern now was how to insure that New Mark Esplanade was never opened to Monroe Street. Several questions needed to be clarified. Did it currently appear as a Rockville Street right-of-way? Was it classified as a residential street or a minor arterial? Was opening up the Esplanade mentioned in the Neighborhood 3 Plan or the current draft of the new Master Plan? Vinnie pointed out that if New Mark sought abandonment of the right-of-way, a public hearing was required by law. The Mayor and Council had stated in a recent worksession that they did not want to consider reopening New Mark. Was it better to let the matter be or draw attention to it at this time? Amy was concerned that the matter would come up again and again unless the right-of-way was abandoned. It was finally agreed that it probably made some sense to wait a few months before doing anything, but to seek abandonment before the amount of traffic flowing to town center increased greatly.

With respect to the Annual Meeting, Rose pointed out that Eddie was no longer planning to seek a Board position in the upcoming election, which meant we had three candidates for three spots. Eddie said he had reached this decision because he knew he would have to miss several Board meetings. The Board said that it was possible to change the dates of the meeting (for example, July 4th fell on the first Thursday) and urged him to reconsider. Eddie agreed to do so. Ken said that he agreed with Joe Jordan that every candidate's bio should appear in the newsletter, even the incumbent's. Other members of the Board concurred.

Under new business, Vinnie said that New Mark was scheduled for smooth sealing in fiscal year '03, which would begin in July of '02. However, he said that depending on prices received, the work might not be done until fiscal year '04. Vinnie also said that he would try to get updated information for New Mark about steps that could be taken to reduce the population of geese.

Upon a motion by Eddie, seconded by Ken, the meeting was adjourned at 10:15 P.M.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
TUESDAY APRIL 9, 2002**

ATTENDEES: Eddie Alexander, Susan Klise, Dorie Mangan, Sherry Matz, Nan Whalen, Rose Krasnow, Jim Denny, Steve Snapp, Mira Frost and Rich Schmidt.

President Sherry Matz called the meeting to order at 7:35 P.M. Mira Frost and Rich Schmidt were present for the community forum. Mira Frost came to appeal the ACC decision to deny her choice of a replacement front door. She had proposed a flush door with two frosted glass inserts. The ACC rejected the door because it did not comply with the NMC Architectural Control Guidelines. Ms. Frost pointed out the security need for a new door and the desire for more natural light in the foyer of her home. She also pointed out several other non-conforming doors within her immediate townhouse area. The Board thanked her for using the ACC process and said they would advise her of their decision. Rich Schmidt offered his services to the Board to enhance and update the NMC web site. He was soliciting ideas for improvements or changes to the site. There was a discussion regarding other items that might be useful, i.e. garage sales, classified ads, and the clubhouse rental application. The Board also felt that the information contained in the newcomers' page should be moved to make it more readily available to all residents. For example, everyone should be able to find the information about the approved light fixture. Steve Snapp and Rich planned to meet offline to discuss other aspects of the web site. Upon a motion by Eddie and seconded by Dorie the Board voted to approve Myra Frost's request for a new front door. The vote was 5 to 1 in favor of the proposed change (Susan Klise voted nay). Jim brought to the Board's attention a new ACC application from Mr. Marc Goldberg at 9 Vallingby Circle. The Board had previously denied Mr. Goldberg's request to replace his front door and fixed glass panel with a double door unit. Mr. Goldberg's new request was to replace the door with a six panel wood door. The full height glass panel next to the door would remain in place. The Board instructed Jim to obtain pictures of the proposed door and a color sample.

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

The Board proceeded to elect new officers for the coming year. Sherry nominated Susan Klise for President. Amy Sloan seconded the motion by proxy given to Sherry Matz. The motion passed unanimously. Dorie nominated Eddie Alexander for Vice President. Nan seconded the motion, which passed unanimously. Eddie nominated Nan Whalen for Treasurer. Dorie seconded the motion, which passed unanimously.

Officer and Committee Reports

There were no committee officers present. ACC business was covered earlier in the meeting under community forum. Eddie felt there was a need for sub-committees to be formed. The sub-committees would report to the Board, providing the Board with additional input from the community. Eddie gave the following as examples of the types of committees needed: pool, social, finance. He felt that one or more Board members should serve on each sub-committee. The Board also discussed finding a replacement for Linda Silversmith as chairperson of the landscape committee. Nan said she would call Linda Gangloff whether she would be willing to take over as chair. There was also discussion of forming an Advisory Committee to the Board, consisting of former Board members. They would be called on from time to time to advise the Board on various matters. The Board felt there should be a document that spells out the charter/scope of the various committees. There should not be any committee reports presented to the community at large without the prior approval of the Board.

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

1) **Insurance:** There has been a large increase in the insurance premiums for the community. Nancy Wood, a community resident who works in the insurance industry, told Rose that the increase that we experienced was normal. Rose also mentioned that the \$600,000 fidelity bond the Board approved last month does not cover forgery. Upon a motion by Steve, seconded by Sherry, the Board unanimously decided to keep our existing coverage with Montgomery Mutual.

2) **Reserve Analysis:** Rose said she had just received a preliminary spreadsheet from Reserve Advisors. She was able to do a quick review of the spreadsheet and was disappointed with the data. She said she would contact one of the principals of the company and express her disappointment with the analysis. Rose and Jim will continue to review the data and report back to the Board.

3) **Transition:** Jim stated that the transition was going well. He said there are many nuances to the job, especially the accounting program which will take time to learn. With the assistance of our outside computer consultant, the NMC accounting program and data was uploaded to Jim's PC. Rose said she would continue to be available with the transition. The lack of backup for the Administrator's job was raised. Jim said that he has a trip to China planned for May 20 to June 1. Rose has agreed to backup Jim while he is on vacation. Rose mentioned that after a certain point an hourly consulting fee would be appropriate.

4) **Dues Update:** There are 9 residents who have not paid the first half of 2002 dues. There are four residents who are in arrears from prior years. The second invoice for 2002 will be mailed at the end of April. It was decided to wait until after the second dues payments were late before starting legal proceeding against the residents that are in arrears.

5) **Review Minutes of the Annual Meeting:** Rose prepared the minutes of the annual meeting held on March 18. The board was asked to review the minutes and get back to Jim with any changes.

6) **Document Revisions:** It was asked if the Board wanted to continue to pursue the revisions of the Association documents. Eddie said that the Board should focus on one item only, the elimination of the three year waiting period before any changes are effective. The Board needs to inform the community of the importance of this change. It was suggested that newsletter articles and fliers would be one method. It was also mentioned that a proxy included in the dues invoice would be a way of obtaining the necessary two-thirds vote to enact the change. Eddie also said that if each Board member and the Administrator solicited signatures from 32 residents, we would meet the two-thirds majority required for passage. Steve wanted to know if we would have to wait three years for the change to go into effect, if we were successful in getting the two-thirds vote. Rose stated that Shelah Lynn, the Association's attorney, felt she might be able to petition the court to have the change take place immediately.

7) **South Adams Street Closing:** The Board discussed the possible impact that the recent closing of South Adams could have on New Mark Commons. Rose's research discovered that a map in the proposed Comprehensive Master Plan for the City of Rockville shows New Mark Esplanade extending through to Monroe Street. There is no accompanying text in the document to indicate that the Mayor and Council specifically stated at a worksession that they had no intent to open up the Esplanade to Monroe. The Board discussed two options. The first was to start proceedings to have the area between NME and Monroe St. abandoned by the City. The second was to ask that the city change the map to indicate that the street does not currently go through. The Board decided to move ahead with the second option, agreeing to revisit the abandonment process later in the year.

New Business

Sale of Association PC:

The PC consultant the Association contracts with was able to move the accounting software and related Word files successfully to Jim's PC. The Association's PC is almost three years old and has little value on the resale market. It was suggested that we give Rose the PC since the Association has no use for it. It was discussed that the Board could barter the PC in exchange for Rose's on going help with the transition and her backing up Jim on vacation in May.

Display of Flags:

There was a letter from one resident complaining about the size of a neighbor's flag. It was suggested that the neighbors talk to each other about the concern. Since 9/11 there had been a marked increase in displaying the American flag. Since a flag is not a permanent fixture the Board decided that there was no need to establish any guidelines for displaying it. Jim was going to look for past CAI articles on displaying the flag.

Miscellaneous Business

Roger Zion had asked Sherry about planting additional trees behind his home at 822 NME. Jim said the Board had previously approved the plantings and they would be installed soon.

The butterfly garden on Potomac Valley Dr. may start reappearing now that spring is here. Susan will ask Vinny Hughes about having the garden removed.

Dorie asked that there be a newsletter article about the responsibilities of home owners to pick up trash that has been spilled or scattered by crows.

May 17th was picked for the party celebrating Rose's 17 years of service to the community. A flier will be distributed and an article will be included in the May newsletter.

The meeting was adjourned at 10:30 PM upon a motion by Eddie and seconded by Steve.

Reserve Analysis: Rose said she had just received a preliminary spreadsheet from Reserve Advisors. She was able to do a quick review of the spreadsheet and was disappointed with the data. She said she would contact one of the principals of the company and express her disappointment with the analysis. Rose and Jim will continue to review the data and report back to the Board.

Transition: Jim stated that the transition was going well. There are many nuances to the job, especially the accounting program, that will take time to learn. With the assistance of our outside computer consultant, the NMC accounting program and data was uploaded to Jim's PC. Rose said she would continue to be available with the transition. The lack of backup for the Administrator's job was raised. Jim said that he has a trip to China planned for May 20 to June 1. Rose has agreed to backup Jim while he is on vacation. Rose mentioned that after a certain point an hourly consulting fee would be appropriate.

Dues Update: There are 4 residents who have not paid the first half of 2002 dues. There are nine residents that are in arrears for prior years dues. The second invoice for 2002 will be mailed on April 29, 2002. It was decided to wait until after the second dues payments were late before starting legal proceeding against the residents that are in arrears.

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South Adams Street Closing:

The Board discussed the possible impact that the recent closing of South Adams could have on New Mark Commons. Rose's research discovered that a map in the Comprehensive Master Plan for the City of Rockville shows New Mark Esplanade extending thru to Monroe Street. There is no indication showing that NME is blocked after the 800 block entrance and blocked on the Monroe Street side. Rose also said that all the tax map also show NME extending thru to Monroe Street. There were two options discussed, start proceeding to have the area between NME and Monroe St. abandoned by the City or try to get the Master Plan map changed to accurately reflect the NME/Monroe Street connection. The Board decided to try and get the Master Plan

map changed and revisit the abandonment process later in the year.

New Business

Sale of Association PC:

The PC consultant the Association contracts with was able to move the accounting software and related Word files successfully to Jim's PC. The Association's PC is over three years old and has little value on the resale market. It was suggested that we give Rose the PC since the Association has no use for it. It was discussed that the Board could barter the PC in exchange for Rose's on going help with the transition and her backing up Jim on vacation in May.

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Miscellaneous Business

Roger Zion had asked Sherry about additional trees behind his home at 822 NME. Jim said the Board had previously approved the plantings and they would be installed soon.

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The meeting was adjourned at 10:30 PM upon a motion by Eddie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY JUNE , 2002

ATTENDEES: Sheri Matz, Steve Snapp, Dorie Mangan, Eddie Alexander, Amy Sloan, Jim Denny, Jim Mangan, Kathy Gall, Andrea Eaton, Dee Farrell and Bob Burch.

Vice president Eddie Alexander called the meeting to order. The following people were present for community forum: Bob Burch of Patio Enclosures, Dee Farrell, Andrea Eaton, Jim Mangan, and Kathy Gall.

Bob Burch was representing Ms. Paula Dyer of 12 Scandia Way. The ACC had rejected her request for an addition to the right (south) side of her home as you are looking from the street. Their objections were the removal of several large trees and a significant change to the appearance of the house would not be in keeping with the neighborhood. Mr. Burch stated that the addition would not require the removal of any trees. He did agree that the addition would change the appearance of the house, but not in a negative way. There were two reason that the addition would be built on the south side. There was a utility right away crossing the rear of her property that would prohibit building and most of the open area of her property is on the south side. The Board thanked Mr. Burch for his presentation and said they would get back to him. He asked that we call him that evening with the Boards decision.

Dee Farrell from 108 NME was present to appeal a ACC denial to replace her front door with a raised panel door that had fan shaped window in the top panel. The ACC denied the new door because is does not meet the ACC guidelines for replacement doors. Ms. Farrell said she just wanted more light in the front of her home. The front faces northwest.

Jim recommended Wheaton Door Co. They had made a non standard door that had been previously approved by the Board. Ms. Farrell said she would shop around and return with another alternative. She also brought to the Boards attention that there are now resident geese walking in front of the 100 block of town homes. Her neighbor at 110 NME has a large (30'+) evergreen tree growing out of the lake side patio. She was concerned about structural damage to the lake retaining wall. She had spoken to the tenant (110 NME is a rental unit) and the tenant has mentioned it to the landlord. She also said the landscape crew is blowing magnolia tree leaves down the storm drain when they are cleaning up after a day of mowing. The Board thank her for participating in Community Forum and they would get back to her.

Andrea Eaton for 278 NME was asking that the Board reconsider the amount of money it had authorized and share the cost of rebuilding the retaining wall on her property. The retaining wall cost approximately \$8,300 and an estimate for a new railing on the top of the wall was \$1,095. She was asking for a 50/50 sharing of expense.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY JULY 11, 2002

ATTENDEES: Sheri Matz, Steve Snapp, Dorie Mangan, Eddie Alexander, Amy Sloan, Nan Whalen, Susan Klise, Jim Denny, Barbara Young, Richard Berman, Rose Krasnow.

President Susan Klise called the meeting to order. The following people were present for community forum: Barbara Young, Richard Berman and Rose Krasnow.

Barbara Young was present to discuss several issues. Bonifants Tree Service trimmed several trees in the common area behind Ms. Young's home. She felt the trees were not properly trimmed and the trimming was done without any input from adjacent property owners. She asked that adjacent property owners be notified of any future tree work. She was also concerned about the erosion on the hill between 276 and 278 New Mark Esplanade. The hill is a path for kids on their way to and from school and the traffic has worn away the grass. She requested that we investigate a solution to the erosion, ie: steps, terracing, a chip path. Ms. Young also complained about some disruptive older teenagers at the pool during the adult swim period. She also has a blue spruce in her front yard that she feels has outgrown the space. She discussed with her neighbor the possibility of removing the tree. Since the tree is on her property, the removal and replacement would be her responsibility. She also asked if the Board would consider cleaning the exterior of Walter Counts home at 276 New Mark Esplanade. Mr. Counts is hospitalized and the house is quite overgrown. The Board directed Jim to get an estimate from Stolberg Landscaping on cleaning the exterior of Mr. Count's home.

Richard Berman was present to discuss several landscape and lake issues. He mentioned that vines and weeds are overtaking the trees along the 100 block and the entrance of the 200 and 300 block. Mr. Berman also felt the lake is in need of dredging. He suggested we explore the way the City cleans their storm drains/sewers. He suggested that the lake be dredged in several sections at a time vs draining the lake and dredging all at once. He feels the water flow into the lake has been diminished with the drought and if we drain the lake totally it would take a very long time to refill. Mr. Berman mentioned the need for additional goose fence and signs discouraging the feeding of the geese.

Rose Krasnow was present to tell the Board about a community similar to New Mark located in Alexandria, Va. It is a community of 535 townhouses that are approximately 35 years old. Rose and Ken Misner met the Administrator at a CAI Conference last year. He offered to host a visit and share their processes, community enhancement, maintenance, committee statements, etc. with us. Rose will send us his name and phone number.

Upon a motion by Amy and seconded by Sherry the minutes and agenda of the June Board meeting were unanimously approved.

Officer and Committee Reports

Jack Rushing, Chairman of the Lake Committee, sent a copy of the minutes from the June 18, 2002 Lake Committee meeting. The first item was silt management. They discussed partial versus full dredging. Amy was opposed to a partial or a piece meal approach of dredging the lake. The Board directed Jim to request a proposal from EQR for dredging. The second item was the large damaged willow tree. It should be removed and the adjacent sidewalk repaired. The white beaver guards should be replaced with less obtrusive wire protection. The Board directed Jim to purchase the wire wrap and the lake committee will install. The third item was resident geese. They think that additional two foot high fence should be installed along the lake path behind the 200-244 New Mark Esplanade. Jim will buy additional fencing.

Administrator's Report

Pool: The July 4th celebration at the pool was a success. The children's program was enjoyed and the moon bounce was popular. John Brown again did the cooking for the day. The revenue generated went to benefit the swim team. Dorie mentioned that Mr. Brown used his personal grill to cook for the July 4 celebration. Mr. Brown's grill was destroyed the following Saturday while cooking for a swim team event. He approached Dorie about the possibility of the Board giving him some compensation toward replacing his grill. The Board stated that Mr. Brown should come before the Board with his request.

There had been a request to supply an additional lap lane in addition to the fourth lane currently in place during swim practice. Nan felt the additional lane was not need. The Board agreed with just several weeks of swim team practice remaining, this issue will be addressed next spring prior to the opening of the pool.

Trees: Jim felt we should proceed with the removal of the large damaged willow tree along the lake path.

The June 7,2002 storm created \$2,500 in tree damage in the community.

There were several landscape issues raised. The raised flower bed next to 314 NME is over grown. We need to get an estimate from Stolberg Landscaping to clean the area. If the area belongs to NMC, then we

should clean it, if it belongs to 314 NME we should write the owner a

letter requesting that they clean it. The Board requested we also get an estimate to clean the landscaping around 276 NME. Mr. Counts is in the hospital and unlikely to return to his home.

Memorial Tree: The Board discussed the wording of the proposed plaque that will be placed with the memorial tree. Sherry motioned and Amy seconded that the plaque read as follows: "In Memory of, September 11, 2001, New Mark Commons". The motion was carried by a vote of 6 to 0, with one Board member abstaining.

Correspondence: Michele Fry sent an email with an idea to form a listing of contractors that New Mark residents had favorable experiences with. The Board agreed that they and the Administrator would not become involved in creating or maintaining a contractor listing. Ms Fry can be the clearing house for the information if she desires. We will not publish contractors names in the newsletter nor will there be a monthly column about contractor experiences. We can direct NMC residents to Ms. Fry with a notice in the newsletter, but it will also contain a disclaimer that the Board does not recommend any of the contractors.

Dues: Jim had sent follow up letters to all residents who had not paid their second dues installment on June 27th &28th. The Board directed Jim to contact our attorney and start lien proceedings against two delinquent residents. The Board also decided to place a lien on 276 NME in order to protect the Associations interest.

Financials: The Association has two Certificates of Deposits maturing the end of July. Eddie volunteered to research the current rate of return on CDs. Eddie also said we should look at that maturity date of all our CDs. We should insure that they do not all mature at the same time.

Old Business:

ACC: Ms. A. Eaton at 278 NME has requested the Board reconsider their offer of \$500 toward the cost of her new retaining wall and the railing on top of the wall. The retaining wall cost was approximately \$8,300 and an estimate for a new metal fence on top of the wall was \$1,200. The Board felt the fence on top of the railing is a safety issue. In response to Ms. Eaton's request, the Board reconsidered her request and agreed to pay a contractor up to \$1,200 for the fabrication and installation of a new railing on top of the retaining wall. All future maintenance would be Ms. Eaton's responsibility.

Ms. D. Farrell, 108 NME, submitted another ACC Application to replace her front door. Her first submission was rejected by the ACC

and the Board. She submitted a new ACC Application with a different style door. The Board could not rule on the new application until the ACC has made its decision. Jim will forward the new application to the ACC.

Reserve Analysis: Rose and Jim are reviewing and will report to the Board at the next meeting.

Jim will talk to the City of Rockville to see if they are participating in the County program to transfer storm water facilities to County ownership.

We need to set up a process for updating the NMC website. The site is currently out of date. We can review the current process of notifying our web administrator or explore having Jim update the web site. The Board said they would fund training and the software required.

New Business:

We have received a proposal from the Danny Sivert Co. to apply a coat of coal tar sealer to the 100 and 500 block parking lots. They will also patch large cracks in the 800 block parking lot. The cost of the proposal was \$6,600. Amy motioned and Sherry seconded the motion to accept the proposal which was unanimously approved.

Eddie mentioned that when we stripe the parking lots we should explore using reflective stripes and printing to high light the reserved parking spots.

Sherry also mentioned that there are potholes along the curb line in front of the 800 to 808 NME. Jim will have the paving contractor look at the parking lot.

We received an estimate from Electric Advantage for \$865 to relocate an exterior light fixture in front of 260 NME to the right of the sidewalk steps in front of 254 NME. We had a request from Ms. Lim at 254 NME to illuminate these steps. Jim will ask for input from the other residents in the 250 to 260 NME on relocating this light fixture.

The meeting was adjourned at 10:40 p.m. upon a motion by Eddie and seconded by Nan.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY SEPTEMBER 5, 2002

ATTENDEES: Sheri Matz, Steve Snapp, Eddie Alexander, Nan Whalen, Susan Klise, Jim Denny, Hop Davies, John Brown, Alex Gora, Telly Whitfield.

President Susan Klise called the meeting to order. The following people were present for community forum: John Brown, Hop Davies, and Alex Gora.

John Brown was present to ask for financial assistance to replace his gas BBQ grill. For the last several years, Mr. Brown has used his personal grill to cook for the NMC 4th of July celebration. He has also used his grill for swim team activities. He asked that NMC reimburse him for the some or all of the cost of his new grill.

Mr. Alex Gora was present to appeal a decision of the Architectural Control Committee (ACC). Mr. Gora applied to install a hot tub in an existing wood deck and build a gazebo with a roof over the hot tub. The hot tub was approved but the gazebo was denied. Mr. Gora wanted to know what type of structure would be acceptable to the ACC. The gazebo was denied because it was considered to be a stand alone shed type structure. The NMC Covenants do not permit freestanding shed structures. Any type of shed must be attached to the house. Mr. Gora said he would resubmit a revised plan for the gazebo. Hop Davies attended the meeting as an observer.

Susan introduced Mr. Telly C. Whitfield, Neighborhood Resources Coordinator for the City of Rockville. Mr. Whitfield is the assigned Neighborhood Resources Coordinator for NMC. Mr. Whitfield spoke about the Rockville University Program and the Rockville matching grant program for community enhancement projects.

During the meeting Susan Hoffman and John Hall, City of Rockville council members, arrived. They like to visit all HOA meeting at least once a year.

Officer and Committee Reports

No committee officers were present for the board meeting.

Administrator's Report

Pool: Jim felt that the community had a good pool season. We had a good manager and assistant manager. After the manager and assistant managers left early in August, the staffing for the remainder of the season was not up to the standards we expected.

There was discussion about not hiring residents as guards for the coming season.

Continental Pools had submitted a proposal for a new filter system that would meet the Maryland Department of the Environment standards for the discharge of backwash water. Jim felt additional information and more detailed cost analysis was required.

Continental Pools submitted a proposal for maintenance work that included a new white coat for the pool. Jim felt the proposal was excessive and he would review it in detail with Continental management.

Trees: Jim presented The Danny Sivert's Co. proposal to repair the walk path near the large willow tree that is being removed. Steve motioned and Nan seconded the motion to accept Mr. Sivert's proposal. The motion was passed unanimously.

Clubhouse: We received a letter from Girl Scout Troop 1065 requesting permission to use the clubhouse for their meetings. The Board wanted to know if there was a NMC connection with the troop. Jim also felt they needed to clean better after each use.

Memorial Tree: Susan mentioned that NMC should apply for matching funds from the City of Rockville for the memorial tree. Susan will talk to Laura Perrone, President of the Garden Club, to gather cost information for the project

Sheri Matz arrived at 8:20 p.m.

A change in the July 11 minutes was requested. Under the Officer and Committee Reports, first sentence, Jack Rushing's name was misspelled. Upon a motion by Sheri and seconded by Eddie, the minutes and agenda of the July board meeting were unanimously approved with the change as requested.

Dues: The association attorney has started lien proceeding on two residents

that are in arrears. There are several other residents who have made partial payments this year. Jim will send follow up letters to these residents.

The board decided not to accept monthly dues payments for the coming year.

Financials: Jim and Eddie moved reserve funds into three new certificate of deposits with interest rates between 3.25 and 3.55%, maturing between 13 and 28 months.

Old Business:

ACC: Eddie thanked his fellow board members for their approval of the new front door at 108 NME.

He also wanted to know if there was any action the board could take against the resident at 222 NME in regards to the location of his satellite dish. Jim spoke with the association attorney. He was familiar with the problem and said there is no legal action we can take.

Reserve Analysis: Jim enclosed the Executive Summary of the reserve analysis with the board members briefing package. Jim and Susan will review the detail of the package and make a report to the rest of the board.

New Business:

Insurance: Jim included an article on alcohol liability at community functions. Jim was instructed to follow with the association insurance agent and determine if the association is covered. Jim will call Montgomery County and enquire about one time event liquor licenses.

Clubhouse Parking Lot: Jim received two proposals to rebuilding the retaining wall between the garage and the steps. The proposal also included replacing approximately 255 feet of rotten RR ties with 6X6 timbers along the north side of the parking lot. After reviewing the two proposals, Susan motioned and Steve seconded that the board accept the Stolburg Landscaping proposal. The motion was unanimously passed.

Pool: Continental Pools had sent a proposal for winterization of our pool. In the past we have added an algaecide to the water remaining in the pool. We also need to repair and number of pins that hold the pool cover in place.

Susan motioned and Nan seconded that the board accept the Continental proposal. The motion was unanimously passed

Miscellaneous: Sheri mentioned there was a gray car in the corner of the clubhouse parking lot that had been there for several weeks. Jim will contact the owner to have it removed. The board also asked Jim to have all non resident vehicles/boats removed from the parking lot.

Sheri also mentioned that the last two street lights on NME were not working. Jim will call Rockville Public Works Department.

Several residents of the 800 block of NME had approached Sheri about the possibility of the association providing bicycle storage lockers. Jim will research and report back to the board

Eddie said we need to remind residents about Rockville's change in trash collection schedule.

Eddie also mentioned that when the parking lots are striped again we should consider reflective numbers for the reserved parking spaces.

After discussion, Eddie motioned and Sheri seconded that the board give John Brown \$150 toward the cost of his new BBQ grill. The motion was by unanimously passed.

The meeting was adjourned at 10:10 p.m. upon a motion by Eddie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY OCTOBER 3, 2002

ATTENDEES: Steve Snapp, Eddie Alexander, Nan Whalen, Susan Klise, Jim Denny, Dorie Mangan, Paul Jordan, Sheila Marshall and Rashad Chowdhury.

President Susan Klise called the meeting to order. The following people were present for community forum: Paul Jordan, Sheila Marshall and Rashad Chowdhury.

Paul Jordan was present to request the community's assistance in solving a drainage problem next to his townhouse at 316 NME. He stated that the elevation of the adjoining community property was altered when the sidewalk was replaced several years ago. The rainwater does not drain properly and now settles next to his home. The Board directed Jim to meet with Mr. Jordan and Matt Stolburg of Stolburg Landscaping to see how the drainage problem could be corrected.

Shelia Marshall asked that the ivy growing behind 200 to 208 NME be removed and some other type of ground cover be planted. The ivy has become invasive and is destroying all other forms of vegetation behind her home. The ivy is also climbing the pine trees and climbing the trees along the Esplanade. The Board directed Jim to meet with Matt Stolburg to come up with a plan to remove the ivy and find a suitable ground cover.

Rashad Chowdhury had several items to bring to the Board's attention. There is a drainage problem in front of his home at 232 NME. It is caused by the slope of the sidewalk and the downspout from his neighbor's home. Rainwater stands in a large pool directly in front of the entrance to his property and also pools in another section of the sidewalk. He asked that the board explore a way to resolve this problem. He also had two damaged tires during the construction along NME. He is also concerned about drivers speeding on NME. He asked if it is possible to install speed bumps or explore other ways to reduce speed on NME. He also asked that the Board explore installing a street light at the spillway end of the lake. He wanted to know if Star Power cable is planning to come to the community. The board knew of no plans for Star Power coming to the community.

Upon a motion by Nan and seconded by Eddie, the minutes and agenda of the September board meeting were unanimously approved.

Officer and Committee Reports

No committee officers were present for the board meeting.

Jim attended the most recent Landscape Committee meeting. There was a question raised about the community's control over trees within NMC. The covenants state that no sound hardwood tree be removed without the written approval of the Association acting through the Board of Directors. The Board asked Jim to include an article in the newsletter about the community tree policy.

Eddie attended a dinner sponsored by the mayor and council of Rockville. The dinner was for the presidents of Rockville's HOAs. There was a work session after the dinner. The city asked for suggestions to improve city services and asked the communities to list their strong points. Eddie said the most common problems in a number of the communities are geese, deer and trash.

Administrator's Report

Clubhouse: The board said it was OK for the Girl Scouts to continue to use the clubhouse for their monthly meetings.

Pool: Jim has asked Continental Pools for an estimate to modify the fence around the baby pool to increase the deck space inside the baby pool enclosure.

Jim has also asked for an estimate to replace the guard chair platforms.

Jim felt that we should not have lifeguards next year who are residents of NMC or have a non-resident association with NMC. The familiarity of the guards with pool patrons makes it hard for them to enforce the pool's rules and regulations. Steve motioned and Nan seconded that we not hire guards from NMC or non-resident members for the coming year. The motion was unanimously approved.

Trees: Jim presented a proposal from Bonifant Tree Service for tree removal and pruning. Steve motioned and Susan seconded the motion to accept the Bonifant Tree Service proposal. The motion was passed unanimously.

Memorial Tree: Susan said the grant for matching funds for the memorial tree was complete and would be submitted to the city. November 16, 2002 was the date selected for the memorial tree dedication ceremony.

Trash: There was an email from a resident in the 200 block of NME concerning the large amount of trash and recycle material that is put out days before the garbage collection date. Jim will look into city regulations and prepare an article for the newsletter.

Dues: There are still several resident that are in arrears in their dues. Jim will write follow up letters

Old Business:

Reserve Analysis: Jim and Susan met before the board meeting and reviewed the reserve analysis. They believe that three major areas to be addressed are dredging the lake, erosion control around the lake and an engineering study on the lake spillway and walls.

Eddie believes that we should increase the amount of our annual dues going into the reserve fund. He asked what percentage of the dues goes to the reserve fund. Jim will research and report back.

Association Documents: Eddie felt the Board should decide whether or not to go forward with the changing the Association's governing documents. The board members present felt they should pursue changing the documents, specifically the regulation that requires any change must wait three years before it takes effect. The Board directed Jim to contact the Associations attorney and get their recommendations on how to proceed with the changes.

Insurance: Jim received information and the application required to apply for a a One Day, Special Class C Beer + Wine Liquor license. Jim had not had a reply from that association's insurance agent concerning our policies on alcohol at community events.

Bike Storage: Jim attached brochures about bike storage units. The high initial cost, finding a suitable location, and the administrative expense associated with rent collection from the units make this an unattractive proposition. The board agreed not to install any bike storage units.

New Business:

Sheri Matz resignation: Sheri submitted her resignation to Susan. The Board directed Jim to call Joe Jordan and ask if he would be interested in serving on the Board. Joe was the runner up candidate for election to the Board at the last annual meeting. If Joe accepts, Jim will poll the Board members for a vote that would enable Joe to fill Sheri's position until the next annual meeting.

Pool: Continental Pools submitted a \$6,400 proposal for a new filter system for the main and baby pool. The new filters are required to meet the state of Maryland Department of the Environment regulations for discharge water quality. Susan motioned and Eddie seconded a motion to accept the Continental proposal. The motion was passed unanimously.

Jim was directed to talk to Continental about the three-year contract with a five percent increase per year and an early termination clause without any penalty.

Jim will ask Continental Pool representatives to attend the November board meeting.

Pressure Treated Lumber: Jim included an article about the problems with pressure treated lumber. The board agreed that we should remove the pressure treated benches in the baby pool area and at the tot lot.

The meeting was adjourned at 9:55 p.m. upon a motion by Eddie and seconded by Nan.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY NOVEMBER 7, 2002

ATTENDEES: Steve Snapp, Eddie Alexander, Amy Sloan, Susan Klise, Jim Denny, Dorie Mangan, Joe Jordan, Nick Terrabood from Continental Pools.

President Susan Klise called the meeting to order. No residents were present for Community Forum.

Nick Terrebrood from Continental Pools was present to talk to the Board about the 2002 pool season and the plans for the 2003 season. A primary concern of ours was the lack of continuity in the managers we had last season. The managers we had for June and July both left in early August. We did not have a dedicated manager for the rest of the season. The attentiveness of the guards decreased and the pool facility was not maintained at the level we expect. Nick said they would hire a manager that would stay the entire season. Eddie asked if Continental would guarantee a manager staying for an entire season and agree to a financial penalty if the manager departed before the pool closed for the season. Nick said he would look into the proposal and get back to Jim. We again stressed that our pool requires a mature and experienced manager. We gave Nick a handout itemizing some of the expectations we have of our pool management company.

Steve requested a change to the October Board meeting minutes. Under the Old Business heading, Association Documents, Steve requested it be noted that the Board directed Jim to start the process to change our documents with the Association's attorney.

Upon a motion by Steve and seconded by Eddie, the minutes and agenda of the October Board meeting were approved with changes as requested.

Officer and Committee Reports

No committee officers were present for the board meeting.

Susan told the Board the Memorial Tree dedication ceremony was planned for Saturday, November 23rd at 10 a.m. and hoped all could attend. Susan mentioned she extended an invitation to the mayor and council to attend the dedication.

Administrator's Report

Clubhouse: Jim asked the Board to consider an increase in the clubhouse rental fee to cover the cost of cleaning. The current rental fee is \$125 for an adult party and \$35 for a children's party. Jim paid \$85 the last time the clubhouse was cleaned.

Dues: There are still several residents who are in arrears in their dues. The Board directed Jim to contact the Association's attorney to start legal proceedings against two residents for non payment of dues. There are several small dollar amounts (\$23, \$9, \$30) still outstanding. Eddie suggested we add these amounts to the next dues invoice.

Old Business:

Insurance: Jim received a letter from Harriet Plesh of Associated Insurance Offices, Inc. It was in response to our inquiry to see what the Association's position would be if we provided beer and wine at community events. Her response was not very informative. The Board directed Jim to ask again, present a specific situation and ask Harriet if the Association would be covered.

Association Documents: Jim spoke with the Association's attorney who suggested two questions be presented for a vote to change our documents: 1) a request to eliminate the three year waiting requirement for a change to become effective and 2) a request that the new statute become effective upon recording. The Board directed Jim to proceed to have the document change prepared and ensure that we have a chance to review and revise if necessary. The plan is for the proposed changes to be mailed at the end of December 2002 with the first dues invoice for 2003. Steve proposed that the package contain a cover letter explaining the necessity of the changes, the old language, new language and the document to be signed by the property owner and returned with their dues payment. It was also noted that if the proposed change is approved, the Association will have to provide copies of the amendments to all homeowners.

New Business:

Budget: Jim presented the 2003 proposed budget. The increases in the Association's dues are tied to the Consumer Price Index (CPI) for the Washington Metropolitan area for the period September 30, 2001 to September 30, 2002. The CPI for that period was 2.1%. This equals an increase of \$14 to \$16 per household for the entire year. The reserve fund balance as of 10/31/02 was \$588,147. It is invested in Certificates of Deposit (CDs) and a money market fund. Jim noted that the money market balance was high and some of that money should be invested in an additional CD. Eddie mentioned

the Board should consider State of Maryland Bonds. The interest we would receive would be exempt from state and federal income taxes. The investment return would be guaranteed if the bonds were held to maturity. Joe also mentioned the possibility of investing in US Treasury Bonds. After discussion, Eddie motioned and Amy seconded to approve the 2003 budget. The motion was passed unanimously.

ACC: The Board received a letter from Judy Jaffe, 10 Lakeside Overlook. She stated her objection to the wooden deck that was constructed by her neighbor at 9 Lakeside Overlook. The neighbor constructed the deck after being denied a building permit by the City of Rockville. The City was notified of the violation and will take appropriate action. The Board felt that since the City was addressing Ms. Jaffe's issues, there was no action required by the Board.

Miscellaneous:

Eddie told the Board about a meeting he attended of the Steering Committee formed for Home Owner Associations (HOAs) in Rockville. At the October 24 meeting he and representatives from six other HOAs discussed their charter and how they could present HOA views and concerns to City officials. Their next meeting is scheduled for November 19th at City Hall.

The meeting was adjourned at 9:35 p.m. upon a motion by Eddie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY DECEMBER 5, 2002.

ATTENDEES: Steve Snapp, Amy Sloan, Susan Klise, Joe Jordan and Jim Denny.

President Susan Klise called the meeting to order. No residents were present for Community Forum.

Upon a motion by Steve and seconded by Susan the revised minutes of the October Board meeting were unanimously approved. Upon a motion by Amy and seconded by Steve the minutes of the November Board meeting were unanimously approved.

Officer and Committee Reports

No committee officers were present for the board meeting.

Administrator's Report

Pool: Jim told the Board that the new filter system for the main pool and the wading pool has been installed.

The Continental contract for 2003 has not been finalized. Continental needs to add the performance clause to the final document before NMC will sign.

Clubhouse: Jim asked the Board to consider an increase in the clubhouse rental fees. The current rental fee is \$125 for an adult party and \$35 for a children's party. Jim paid \$85 the last time the clubhouse was cleaned. After discussion the Board decided to increase the rental fee for a children's party from \$35 to \$50 and an adult party would be raised from \$125 to \$175. The security deposit fee would remain the same, \$100 for a children's party and \$300 for an adult party. It was also decided to initiate a cleaning charge of \$100 for all parties. This would ensure the clubhouse and restrooms are clean for all parties. The individuals renting the clubhouse can have the cleaning fee waived if they agree to clean to the standards of the NMC cleaning checklist.

Dues: There are still several residents who are in arrears in their dues. Jim will continue to work with the Association's attorney to collect our past due accounts.

Old Business:

Association Documents: Jim distributed a draft prepared by the Association's attorney of the proposed changes to our documents. The draft consisted of a Notice of Proposed Amendments to the Declaration of the New Mark Commons Homes Association, Inc. and a Consent Form. The Notice and the Consent Form contained two questions. The first was the removal of the three year waiting period. The second was having the change become effective immediately upon ratification. After reviewing the drafts, the Board decided to only try to get the three year waiting period removed from the Association's documents. Steve prepared a draft cover letter to replace the Notice of Proposed Amendments. The cover letter would be sent with the Consent Form. It explains the process and the necessity of making the changes to the Association documents. A motion was made by Amy and seconded by Joe to delete the Notice of Proposed Amendments, accept the Consent Form with question number 2 removed and approve Steve's cover letter after review by all Board members. The motion was passed unanimously.

Insurance: Jim will follow with Harriet Plesh of Associated Insurance with specific questions concerning the serving of alcohol at community functions.

Budget: Jim told the Board he had not received any feedback from the community regarding the 2003 proposed budget.

New Business:

Snow Removal: Jim presented a proposal from the Danny Sivert Co. to the Board for their review. Jim told the Board there was approximately a five percent increase in several areas of the contract. After discussion, Joe motioned and Amy seconded that we accept the Danny Sivert Co. proposal. The motion was unanimously approved.

Jim also proposed that the community purchase a snow blower to replace the Sweepster Brush mounted on the front of the tractor. Jim said the brush system is cumbersome, marginally effective and ties up the tractor for the snow season. After discussion, Steve motioned and Joe seconded a proposal that Jim purchase a snow blower for NMC. The motion was passed unanimously.

Lake Dredging: We received a proposal from Environmental Quality Resources Inc. (EQR) to dredge the lake, stabilize the NME side of the lake bank, do a preliminary

evaluation of the concrete spillway/lake wall and modify the spillway fence with a gate. The cost was approximately \$90,000. The Board directed Jim to obtain additional estimates. The Board wants the community to be kept informed of the dredging process through the newsletter and the website.

Accountant: NMC received a commitment letter from our accountant, Monte Loeb. It outlined his services and fees for 2003. Upon a motion by Amy and seconded by Steve, Mr. Loeb's commitment letter would be accepted if his fee was in line with previous years' fees. The motion was passed unanimously.

Miscellaneous: Jim had a inquiry from a resident about adding the NMC Architectural Control Guidelines and Procedures to the website. The Board agreed it was a good idea.

Jim told the Board he had a meeting scheduled with a professional engineer to evaluate the standing water problem in front of 228 to 234 NME.

Mr. Jordan at 315 NME was working on his damp basement problem at the time of the Board meeting. Jim will follow with Mr. Jordan and Matt Stolburg to address the grading issues between 314 and 315 NME.

The meeting was adjourned at 10:05 p.m. upon a motion by Steve and seconded by Amy.