

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY JANUARY 9, 2003.

ATTENDEES: Steve Snapp, Amy Sloan, Susan Klise, Joe Jordan, Eddie Alexander, Dorie Mangun, Bill Kominers, Don Hoover, Chris Gorden, Telly Whitfield and Jim Denny.

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

Bill Kominers, the attorney representing the Tower Oaks-Dawson Property, Don Hoover, architect and Chris Gorden, landscape architect, were present to show the Board the plans for a new building on the Tower Oaks-Dawson property. The new building will be at the corner of Wootten Parkway and Tower Oaks Blvd. It will be a single structure, 10 stories high, 280,000 square feet with 937 parking spaces in an attached four story parking garage. There will be 191 surface parking spaces. Eddie was concerned about an increase in traffic that would be generated by the new building. Eddie asked if Tower Oaks was going to have a new traffic study performed. Bill Kominers said a new traffic study was not required. The Tower Oaks group had fulfilled their traffic study obligations when the original site plans were submitted. The City of Rockville had specific requirements to address traffic issues for Tower Oaks group and those requirements were met. Bill Kominers said construction could start as early as the summer of 2003. Bill also said there are no immediate plans to build on the PG&E site across Tower Oaks Boulevard from the new building.

Telly Whitfield, City of Rockville Neighborhood Resource Coordinator, was present. Telly told the Board about the Good Neighbor Award. It is a way that an individual or organization can acknowledge a good deed or service by a neighbor. The application can be downloaded from the City website. There will be another Neighborhood Conference on March 27, 2003. The steering committee will meet again on January 16, 2003.

Upon a motion by Amy and seconded by Steve the minutes of the December Board meeting were unanimously approved. Dorie and Eddie abstained from voting.

Officer and Committee Reports

No committee officers were present for the board meeting.

Administrator's Report

Clubhouse: Jim is working on the announcement for the increase in rental rates and the cleaning checklist.

Dues: There are still several residents who are in arrears in their dues. Our attorney said there was a process we could use to attempt to accelerate payment of past due accounts. Susan asked if there was any reference to accelerating dues collections in the association documents. Jim will get back to the Board with an answer. Jim has not been able to get any response from the attorney that is handling the estate of Walter Counts. Jim will ask our attorney if we should start lien proceeding against the estate.

Old Business:

Association Documents: Jim said there has been good response to the proposed changes to the Association's documents. A large number of Consent Forms have been returned with the first dues installment. There was discussion as to whether we should send out a follow up letter or flier reminding residents to send in the Consent Form with their dues payment. It was decided to wait until the February meeting to see how many of the Consent Forms have been returned.

Insurance: Jim is waiting for a response from Harriet Plesh of Associated Insurance regarding questions about serving alcohol at community functions.

Accountant: Eddie said that by accepting Monte Loeb's rate increase we have established a higher base rate when we talk to other CPA firms during this coming year. Eddie said he and Jim should meet with Monte to discuss his rate increase.

New Business:

Gardner Engineering Proposal: We received a proposal from Gardner Engineering to study, survey and develop several solutions to the standing water problem in front of 230-234 New Mark Esplanade. The proposal was \$2,370. The Board directed Jim to solicit additional proposals.

Annual Meeting: The Board decided that March 13, 2003, would be the date for the annual meeting. Susan suggested we put up signs at the entrances to NMC to remind residents of the meeting. Susan will extend an invitation to Burt Hall, City of Rockville, Director of Parks and Recreation, to be the guest speaker at the annual meeting.

International Dinner: There was discussion about a date for the international Dinner. The Board would like to have the dinner in March this year, but decided not to pick a date until talking with Raj Gupta.

Miscellaneous:

Eddie expressed his concern that the increase in traffic from the Tower Oaks property could start discussion again about extending New Mark Esplanade to Monroe Street. The Board talked about starting a discussion with the City on having the blocked off area at the end of New Mark Esplanade abandoned. It was decided to talk to City staff members before taking any formal action.

Eddie again expressed his concerns about a new traffic study not being done prior to the new construction at Tower Oaks. Eddie moved that we require Tower Oaks to do a new traffic study. The motion was not seconded.

Dorie mentioned that the basketball court needed stripes painted. Jim said that was on the list of maintenance items for spring 2003. Dorie also mentioned the circle in front of 5,6,7,8 Farsta Court suffered some damage from snow plows or a trash truck. Jim said he would call the City and take a look at the circle with Matt Stolburg.

The meeting was adjourned at 9:30 p.m. upon a motion by Eddie and seconded by Amy.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY FEBRUARY 6, 2003.

ATTENDEES: Amy Sloan, Susan Klise, Joe Jordan, Eddie Alexander, Dorie Mangan, Nan Whalen, Helen Wolfe, Nick Grossman, Telly Whitfield Ann Mason, Pat Meagher, Mary Lee, Marianne Giguere, Paul Giguere, Arthur Katz, Jean Hirons, John Hansman, Alexandra Manolatos, Peggy Metzger, Susan Klein, Ed Duffy and Art Chamber from the City of Rockville Planning Department, Rockville Mayor Larry Giammo and Jim Denny.

President Susan Klise called the meeting to order. Susan introduced Ed Duffy and Art Chambers from the City of Rockville Planning Department. Ed and Art gave a presentation on the proposed Town Center development. They discussed the transition plan for the Magruder's shopping center tenants, the proposed Town Center design and the processes to be used for the design. Attached are copies of the handouts prepared by Ed and Art on the Town Center development.

Mayor Larry Giammo arrived at 8:10 p.m. He said the City's plan is to create a distinct and unique business area, similar to the Bethesda Avenue area in Bethesda. Towne Center will be a mix of business and residential. The City wants to develop a definitive list of potential tenants; i.e., laundry, restaurants, hardware store, etc that would support the mix of business and residential use. He stressed that there is still time and opportunity for citizens' input to the design process for Town Center. The current time table has the new library and the Maryland Avenue extension completed by the third quarter of 2005.

Susan brought to Jim's attention that Wootton Parkway was misspelled in the January minutes. Upon a motion by Amy and seconded by Eddie the corrected minutes of the January Board meeting were unanimously approved.

Dorie Mangan was not feeling well and left the meeting.

Alexandra Manolatos, 334 New Mark Esplanade, was present for community forum. A cinder block retaining wall on community property that parallels the sidewalk to her house is deteriorating and water is running out on to her property. The wall has a 3' high wood privacy fence that is contributing to the water problem. The fence posts are installed in the top of the wall allowing water to seep into the wall cavity. Ms. Manolatos believes that removing the wooden fence, installing a cinder block cap on top of the wall and installing an iron railing on top of the cap would resolve the problem. Jim will meet with Ms. Manolatos and look at the wall.

Officer and Committee Reports

Eddie told the Board he attended a meeting of the Planning Commission. He said there are issues discussed and acted upon that are not widely publicized. He gave the example of an office building that had a request for an additional two stories approved. Eddie said that Prince Georges County has placed a time limit on the implementation of approved projects or a new traffic analysis must be performed. The City of Rockville does not have such time limit. Eddie proposed the NMC Board of Directors support a change in the regulations of that City of Rockville Planning Commission. Amy thought the Board should not support such a general statement.

Helen Wolfe, Chairwoman of the Landscape Committee and Ann Mason were present to present the Landscape Committees Mission Statement to the Board. Helen said there are about ten active members in committee. They want to improve some of the circles in the neighborhood, develop a plan to improve the area around the maintenance garage and investigate the City of Rockville's match grant to communities program. The Board thanked Helen and Ann for their efforts and looks forward to working with them. The landscape Committee's mission statement is:

Mission Statement-NMC Landscape Committee

The mission of the NMC Landscape Committee is to provide comprehensive, and cost effective ecological information to the board to help maintain and improve the community's public and private grounds as stated in the NMC bylaws. Additionally the Committee shall aid the NMC Board to plan, design and obtain estimates for plantings and maintenance.

Administrator's Report

Pool: Jim reported the 2003 contract with Continental Pools is ready to sign. The contract includes a performance clause requested by Eddie. The clause states that New Mark Commons would receive a refund of \$1,000 if the pool manager left before the end of the season and a significant drop in performance by Continental resulted. Upon a motion by Eddie and seconded by Joe, the Board approved the 2003 pool contract with Continental Pools and authorized Jim to sign the contract for New Mark Commons. The motion passed unanimously.

Dues: Jim reported the there were 50 households that had not paid the first half of their 2003 Association fees which were due February 1, 2003. Jim said he would start mailing late letters after February 15, 2003.

Vandalism: Jim mentioned there had been an increase in vandalism at the pool. The fence around pool had become a target with many slats being pulled off. Jim mentioned that when the pool fence is replaced, a different method of construction should be used to make it more vandal resistant.

Old Business:

Association Documents: Jim told the Board we had received more than the required number of Consent Forms to initiate the proposed change to the association's documents. Two hundred and fifty four (254)."Yes" votes were required to initiate the change. As of February 6, 2003, the Association had 274 Consent Forms returned. There were 270 "yes" votes and four "no" votes.

Insurance: Jim told the Board we had to change the provider of the Association's fraud and theft insurance policy. The company we had coverage with is no longer writing theft and fraud policies. Our previous policy was written under the assumption that NMC was a not-for-profit organization. When Ms. Plesh learned we were a for-profit organization, the number of companies who would write a policy for NMC became limited. Ms. Plesh was able to get a binder from The Ohio Casualty Insurance Company, subject to a satisfactory credit report on Jim.

Annual Meeting: Jim gave the Board the proposed agenda for the March 13, 2003 annual meeting. Burt Hall, Director of Parks and Recreation for the City of Rockville has agreed to be our guest speaker. The Board discussed possible topics for Burt; bike trails, golf course, climbing wall and what Susan called "hidden treasures", locations or services that may not be widely known or advertised.

New Business:

Brubaker letter: Jim, Susan and New Commons Homes Association received a Notice of Intention To Sue from Mr. J. D. Pels, attorney, representing Mr. & Mrs. H. Brubaker of 184 New Mark Esplanade. The Notice stated that Mrs. Brubaker slipped, fell and broke her right wrist in the NMC parking lot. Jim forwarded the letter to the insurance company that handles our general liability and the company that covers NMC's officers and directors.

Valerie Pabst letter: Ms. Pabst felt there had been a violation of the NMC Privacy policy. She received an unsolicited mailing from a real estate agent, also a New Mark resident, and felt this was a violation NMC's privacy policy. The Board felt that since names and address are easily available through tax records there was no way to prove the NMC Directory was the source of names and addresses for the mass mailing.

Irene Grossman letter: Mrs. Grossman suggested that a couple of benches be installed along the sidewalk overlooking the lake. The Board thought it would be difficult to find a level location to safely install the benches. They could also be

difficult to maintain and keep clean.

Reed Garland letter: Mr. Garland, 522 NME, asked that the Association ensure that replacing the driveway next to his home is on our concrete repair list for 2003. Also, Mr. Garland would like to do some landscape work in the common area next to his home. Jim will meet with Mr. Garland a look at the area in question. In the past, NMC has not let residents plant or landscape on common property.

Swim Team: Jim told the Board that Dru Mogge and Ann Stewart have resigned from the swim team. Mary Ann Bliss is organizing a meeting for the parents of swim team members to discuss the coming season. Jim will include a letter from Mary Ann to the community in the next NMC newsletter.

Miscellaneous:

Eddie mentioned he would like to speak at the Annual Meeting about the new Tower Oaks building and the possible increase in traffic and the impact to NMC.

The meeting was adjourned at 10:15 p.m. upon a motion by Nan and seconded by Eddie.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY MARCH 6, 2003.

ATTENDEES: Amy Sloan, Susan Klise, Eddie Alexander, Dorie Mangan, Peggy Metzger, Nan Whalen and Jim Denny.

President Susan Klise called the meeting to order. Peggy Metzger was present for Community Forum. Peggy is the chairwoman for the City of Rockville Planning Commission. The new office building proposed by Tower Oaks generated a lot of discussion at the last two Board meetings. The main issue was the increase in traffic the new building would generate and how it would impact NMC. She gave the Board an overview current traffic study requirements. The City's zoning ordinances were last revised in 1989. The City is starting to update the ordinances now, but it will be done in stages due to cost constraints. Peggy said if there were specific regulations (putting an expiration date on traffic studies) that people or groups felt should be prioritized, please let the Planning Commission know. The commission is always receptive to citizen input. There was discussion about having the City abandon the section of New Mark Esplanade from the 800 block of New Mark Esplanade to Monroe Street. There has not been any formal discussion with the City. Peggy suggested that City staff be approached and we try to work out a solution that would be acceptable to the City and New Mark Commons.

Upon a motion by Eddie and seconded by Amy the minutes of the February Board meeting, corrected as noted, were unanimously approved.

Officer and Committee Reports

There were no committee members present for the March meeting.

Administrator's Report

Dues: Jim reported there were 6 households that have not paid the first half of their 2003 Association fees nor responded to the late letters. Jim will send another late letter and if there is no response, the accounts will be turned over to our attorney for collection.

Reserve Funds: Jim gave the Board a schedule of the Association's reserve fund. Amy said we should move some of the money in FBR National Bank money market account so we do not exceed the \$100,000 FDIC limit.

Insurance: The Association's general liability insurance premium increased from \$12,989 to \$18,177 for the period 4/11/03 to 04/10/04. After discussion with Harriett Pleash, our insurance broker, we were able to reduce the new premium to \$16,858. Upon a motion by Amy and seconded by Dorie, the Board unanimously agreed to renew our policy with Montgomery Mutual Insurance Co.

Community Associations Institute (CAI) Conference and Exposition: The annual CAI Conference will be held on Saturday, March 15, at the DC Convention Center. Jim is planning to attend and extended an invitation to any Board member who would be interested in attending.

Old Business:

Association Documents: Jim told the Board we had received more than the required number of Consent Forms to initiate the proposed change to the association's documents. Two hundred and fifty four (254) "Yes" votes are required to initiate the change. As of March 6, 2003, the Association had 279 Consent Forms returned. There were 272 "yes" votes and 7 "no" votes. Congratulations were given to Eddie and Steve for their efforts in steering and securing the change. Amy also mentioned that it would be a long shot and expensive for the Association's attorney to try and have the changes made effective before the three year waiting period. Jim will contact the Association's attorney and determine the next steps in the process.

ACC Issue: Paula Dyer's request for an addition at 12 Scandia Way has become active again. The original ACC Application was rejected by the ACC Committee on May 10, 2002. Bob Burch, the representative for Patio Enclosures, attended the June 2002 Board meeting to appeal the ACC denial. The Board asked Mr. Burch for additional drawings of the proposed addition. In late January 2003, Mr. Burch gave Jim a photo of an addition that he felt would satisfy the Board's request. After review, the Board felt that the photo did not meet their requirements and instructed Jim to reiterate their original request for drawings to Ms. Dyer and Mr. Burch.

Annual Meeting: Jim gave the Board the proposed agenda and ballot for the March 13, 2003 annual meeting. Jim will call the communities committee chairpersons and ask if they have any reports to make at the annual meeting. Mary Ann Bliss would like to speak on behalf of the swim team. Susan will check with Burt Hall and make sure we are still on his schedule for March 13

New Business:

New Mark web site: Jim told the Board the NMC website is down. The company that hosted the website was sold and the new company was not supporting “host only” websites. They pulled the plug on the server that was supporting the NMC website. Jim will follow with Steve Schmidt and Steve Snapp on getting the website back on line

Swim Team: Jim told the Board there was a meeting scheduled on March 9th in the clubhouse for the swim team parents.

The meeting was adjourned at 9:00 p.m. upon a motion by Eddie and seconded by Amy.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY APRIL 3, 2003.

ATTENDEES: Amy Sloan, Eddie Alexander, Dorie Mangan, Steve Snapp, Joe Jordan, Geoff Becker, Jeff Grandin, Helen Wolfe, Mark Fow, Barbara Cano, Karen Walters, Sandra and Alan Tolerton, Beth Kaplan and Jim Denny.

Vice president Eddie Alexander called the meeting to order. Barbara Cano, Karen Walters, Sandra and Alan Tolerton were present for community forum. They wanted to state their opposition to an increase in capacity at the in-home daycare that is being operated at 9 Lakeside Overlook. The City of Rockville has placed a sign in the front yard of 9 Lakeside Overlook notifying neighbors of a special hearing on the proposed increase in capacity from the current maximum of 8 children, to 8 to 12 children, ages 2 to 6 years old. Many residents of New Mark Commons also received post cards from the City notifying them of the proposed change.

Sandra Tolerton expressed concern about the apparent increase in mosquitoes and asked if the lake is the cause of the problem. Jeff Grandin said the lake is probably not the culprit. The fish in the lake should help reduce the mosquito population by eating mosquito larvae. The more common areas of concern are flower pot bases, wheel barrows and other items around the home that collect and hold water. Jim said the next newsletter will have an article on mosquito control.

Beth Kaplan, Vice President-Investments for Smith Barney was present to discuss reserve fund management. Her group manages reserve funds for 130 HOA and condo associations. Many associations have preservation of principle stated in their bylaws. She explained that the number of banks they work with, combined with the dollar volume under management, allows them to negotiate a more favorable rate than the average individual at the local bank. She also said they issue one consolidated monthly statement and maintain signature cards for the accounts. They do not charge a fee for their management services. Their fee is built into the interest rates they negotiate. Any interest rate they quote is a net rate. The Board thanked Beth for her presentation and said they would discuss the proposal later in the meeting and have Jim get back to her.

Upon a motion by Amy and seconded by Dorie the minutes of the March Board meeting were unanimously approved.

Officer and Committee Reports

Helen Wolfe, Chairwoman of the Landscape Committee was present. Helen gave the Board a list of priorities developed by the Landscape Committee for the Board's consideration. Helen said there is a question about which tree regulations should be followed by NMC: our bylaws or the City of Rockville's tree regulations. Jim will check with the Association's attorney for clarification. Geoff mentioned that, in the past, the Board has walked through the community to get a feel for landscape issues or proposed projects.

Election of Officers

Eddie told the Board that the Association's bylaws call for the position of Secretary. In the past, the administrator acted as Secretary. Instead of electing another officer, Eddie suggested a joint Treasurer/Secretary position. Steve motioned and Joe seconded a proposal to create a joint Treasurer/Secretary Board position. The motion passed unanimously.

Dorie nominated Eddie for President; Amy nominated Steve for Vice President and Steve nominated Joe for Treasurer/Secretary. There were not any further nominations for officer positions. The officers were elected as nominated.

Administrator's Report

Pool: Jim gave the Board a copy of the proposal from Continental Pools to enlarge the area within the fence around the baby pool. Jim thought the bid was very high and should be rejected. After discussion, the Board agreed. The Board thought the time to address changing the area around the baby pool would be when the pool deck and baby pool were being rebuilt.

Dues: There are three households that have not paid or responded to late letters. The second dues invoices will be mailed out in late April, dated May 1 and are due June 1. After review at the June Board meeting, Jim will turn over late accounts to our attorney.

Lake: Jim has met with two companies about dredging the lake. One was a lake and pond management company. The other company, Lake Services, would provide the equipment and resources to perform the actual dredging but would not handle the administrative task (permits, bond, etc) required to do the job. Both companies suggested that NMC hire an engineer to document the amount of spoil to be removed from the lake and the scope of any additional work. Jim said he had a quote of \$3,000 for an engineering study. The Board directed Jim to solicit additional proposals.

The owner of Lake Service mentioned the trees on the dam at the east end of the lake should be removed. Tree roots and woody vegetation can weaken a dam structure. Susan Nolde, the City arborist, mentioned the same concern. Jim received a proposal

from Bonifant's Tree Service of \$1,725 to remove the locust trees and all vegetation on the lake bank. Jim will get further clarification about the trees on our dam. If they do have to be removed, Steve said we should let the community know what is proposed and why this action is necessary.

Tree Maintenance: Jim gave the Board a proposal for tree pruning at several locations in the community and the removal of brush piles along the Esplanade and the bike path. The total was \$1,475. After discussion, Joe motioned and Dorie seconded that we accept the Bonifant Tree Co. proposal. The motion was passed unanimously.

CAI Conference: Jim told the Board he attended the CAI conference at the Washington Convention Center on Saturday, March 15th. He attended seminars on lake and pond management and information systems and the web for use by HOAs. This is where Jim met the representative from Smith Barney who presented earlier in the meeting.

Old Business

Association Documents: Jim gave the Board a draft of the proposed change to the Association documents prepared by our attorney. After review, it was agreed the document was acceptable. Eddie said he and Joe would sign the document as required and return it to Jim to be delivered to the attorney.

NMC Website: The NMC website is still down. Rich is still working with Rocknet to get it hosted on the City's server.

New Business

Increase capacity in daycare center at 9 Lakeside Overlook: After discussion, the Board directed Jim to talk to the association's attorney about the proposed change and check state regulations on day care centers.

320 NME: It was brought to the Board's attention that a business with employees is still in operation at 320 New Mark Esplanade. The Board thought that last year the owner and the City reached an agreement that the business would move. Jim will follow with the City Code Enforcement department.

Smith Barney: After discussion, the Board decided to review the handouts from Beth Kaplan's presentation and make a decision at the May meeting.

Bus in clubhouse parking lot: Dorie mentioned that there has been a bus parked overnight on several occasions. Jim thought the owner lived on Valingby Circle and on occasion he has parked it along Scandia Way. Jim will check with the City about parking commercial vehicle along city streets.

The meeting was adjourned upon a motion by Dorie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY MAY 1, 2003

ATTENDEES: Eddie Alexander, Dorie Mangan, Joe Jordan, Geoff Becker, Jeff Grandin, Mary Ann Bliss, Paula Dyer, Nick Terrebrood and Jim Denny.

President Eddie Alexander called the meeting to order. Paula Dyer, 12 Scandia Way, was present to discuss the proposed addition to her home. At the Board's request, she had an elevation drawing prepared to reflect the appearance of the new addition in relation to the existing structure. The Board looked at the drawings and told her they would have a decision by the next Board meeting.

Mary Ann Bliss, 888 NME, was present to introduce herself to the Board as the new coordinator of the NMC Swim Team. She told the Board that coaches for the summer had been hired. There was a meeting planned for the kids and parents on May 11. She asked the Board for permission to place signs on the islands at the entrance of the community. The Board granted the request.

Nick Terebrood, representing Continental Pools, was present to discuss the repair proposals for the main and baby pools and also address any concerns the Board had for the coming season. We received 2 estimates for the baby pool. The estimate for repairs required for this season's opening was \$4,277. When this estimate was received, Jim asked for an estimate for a complete rebuild of the baby pool. That estimate was \$6,313. Nick said the work performed during a complete rebuild would not be disturbed if we chose to rebuild the pool deck next year. Nick said he could not guarantee that the baby pool would be ready for the opening on May 24th. There was another proposal for repairs to the main pool for \$4,877.50.

Eddie brought to Jim's attention a change to the April minutes. Under the election of Officers heading, Eddie brought to the Board's attention the requirement for a Secretary. Upon a motion by Geoff and seconded by Dorie the revised minutes of the April Board meeting were unanimously approved.

Officer and Committee Reports

No committee chairpersons were present.

The Board went into Executive Session. After discussion, Jeff moved and Geoff seconded that Jim's salary be increased to \$36,000 per year effective May 1, 2003. The motion was carried by a vote of 4 to 1

Administrator's Report

Pool: Jim gave the Board a copy of the proposal from Continental Pools to repair or rebuild the baby pool and the repairs and supplies required for the main pool. Nick Terrebrood talked about the baby pool options earlier in the meeting. Eddie mentioned that it was difficult to get in and out of the baby and could a hand rail be installed somewhere in the baby pool. After discussion, Joe moved and Jeff seconded to accept the proposal for \$6,313 to rebuild the baby pool and authorize an expenditure of not more than \$500 for a hand rail in the baby pool. The motion passed unanimously. Geoff moved and Joe seconded to accept the proposal for \$4,877.50 to repair the main pool. The motion passed unanimously. Jim proposed the 10 visit pool guest passes be purchased by check. The Board felt that would be acceptable if adequate notice was given to the community through the newsletter and posting at the pool. Guest passes are available to community residents and non-resident members of the pool and can be purchased at the pool or from the Administrator. Joe moved and Dorie seconded that guest passes be purchased by check. The motion passed unanimously.

Dues: In addition to the residents against whom the Association has started legal proceedings, there are three households that have not paid or responded to late letters. The second installment of the Association dues was mailed in late April and will be due June 1. Jim will give the Board a list of residents who are in arrears at the next Board meeting. If payment is not received by June 15, late letters will be sent. Any resident who is behind for the entire year will receive a late letter immediately after June 1 and the account will be turned over to the Association's attorney for collections. The Board asked Jim to include a statement in the next newsletter that residents must be current with their dues in order to use the pool and clubhouse.

Landscape Proposal: Jim and several residents have identified areas in the community that need landscaping attention. Matt Stolburg prepared seven proposals for the Board's consideration. After discussion, the Board instructed Jim to meet with Helen Wolfe, Chairperson of the Landscape Committee, to review the proposals with her and establish a priority for the projects.

Lake: Jim is waiting for a proposal from a second engineering company on the lake surveying.

Old Business

Smith Barney: The Board discussed the advantages of using Smith Barney as the manager of the Association's reserve funds. They agreed that our funds should be laddered and positioned to take advantage of changes in interest rates. Dorie moved and Joe seconded that we use Smith Barney as manager of the Association's reserve funds. The motion was passed unanimously.

NMC Website: The NMC website is now up on the City of Rockville's Rocknet server. The site is out-of-date and Jim is working with Rich to get it updated. Jim has talked to Roald Schrack and he volunteered to help Jim get the training necessary to update the site.

Increase capacity in daycare center at 9 Lakeside Overlook: Jim talked with the Association's attorney about the proposed increase in capacity at the daycare center. Our attorney said that if the variation is granted, the daycare center would lose its protection under Maryland law and we could then enforce the NMC Covenants. After discussion, the Board directed Jim to draft a letter to the City of Rockville stating that if the exception is granted, the applicant would then be in violation of the NMC Covenants and give a copy of the letter to the applicants.

320 NME: Joe mentioned that traffic and parking are still a problem associated with the business at 320 NME. Jim will follow with the City Code Enforcement officer.

Bus in clubhouse parking lot: Jim will talk to the driver of the bus who is a New Mark resident.

12 Scandia Way addition: The Board would look at the elevation drawing and walk by the property and be prepared to make a decision at the next Board meeting.

New Business

Newsletter article by John Rabner: John Rabner, owner of 1st Choice Painting and Decorating, offered to write a monthly article for our newsletter on various home improvement issues. After discussion, the Board decided not to accept John's offer. They felt it was more of an advertisement and there could be a perception that the Board was endorsing this business by allowing the articles.

2003 Directory: Judy Rudolph has agreed to edit the 2003 Directory for NMC.

Car vandalized: Several cars in the 318-342 NME block have had large scratches run down their side panels. Joe also mentioned there has been an increase in the

number of skateboarders around the 318-342 NME. Jim will talk to the Desk Sergeant at the City police department and ask for increased police visibility in the community.

Blue Spruce in front of 160 NME: Ellen Schofield wrote a letter requesting replacement of the blue spruce that was pruned incorrectly several years ago. The Board directed Jim to discuss with the landscape committee and report back to Board.

Eddie is on the steering committee for the Alliance of Rockville Neighborhood Associations (ARNA) and is looking for another Board member to serve as an alternate when he cannot attend the meeting. Joe Jordan volunteered to attend the meetings when needed.

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

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY JUNE 5, 2003

ATTENDEES: Eddie Alexander, Dorie Mangan, Joe Jordan, Geoff Becker, Jeff Grandin, Mary Ann Bliss, Amy Sloan, Telly Whitfield, Ruth Brenner, Barbara Goldstein, Kathy Gall and Jim Denny.

President Eddie Alexander called the meeting to order. Kathy Gall, 11 Scandia Way, was present to discuss the proposed addition to the home at 12 Scandia Way. She felt the proposed addition would change the character of the neighborhood and set a precedent for additions other than on the rear of a home. She feels the proposed design is not integrated or compatible with the existing structure. Dorie asked if other neighbors had any objections to the project and Kathy said not to her knowledge.

Barbara Goldstein, Ruth Brenner and Mary Ann Bliss were present to discuss swim team issues. Mary Ann mentioned that we could lose the swim team in the future due to lack of children in the community. She wanted to know if it is possible to recruit families from outside the community to join our pool. There are two former residents of NMC that would like to swim for NMC team this summer. The cost of a non resident membership would be prohibitive for these two teenagers. They asked if it would be possible to get a reduced membership fee for the two former residents. Barbara also mentioned she had a friend that would like to join the pool and have their children swim on the swim team but they could not afford a non-resident membership. She asked if the Board would consider a reduced non-resident membership fee based on financial need. The Board said they would discuss the issues later in the meeting and get back to them before they pursued the eligibility issues with the Montgomery County Swim League (MCSL).

Amy brought to Jim's attention a change to the May minutes. Upon a motion by Dorie and seconded by Joe the revised minutes of the May Board meeting were unanimously approved.

Officer and Committee Reports

No committee chairpersons were present.

Administrator's Report

Pool: Jim told the Board the renovation of the baby pool was complete. No structural problems were found during the demolition and the renovation was completed before the beginning of the season. Unfortunately, the baby pool was completed after the main pool and clubhouse had gone through the Montgomery County pre-opening inspection and was not available on opening weekend. The baby pool was inspected separately and passed with no issues.

The repair work to the main pool has been finished. Jim felt the workmanship was shoddy and unacceptable. Jim met with Continental Pool management and they agreed to correct the defects in the repairs.

Dues: Jim told the Board there are 49 residents, approximately 13% of the community, who have not paid the second half of their dues. Of the 49, three residents have not paid any of their dues for the entire year. Jim told the Board late letters will be mailed after June 15, 2003. There was a statement in the May newsletter that mentioned residents must be current with their dues in order to use the pool and clubhouse.

Lake: Jim is waiting for a proposal from a second engineering company on the lake surveying.

Landscape Proposal: Jim gave the Board a list of eight areas in the community that he and Helen Wolfe, chairwoman of the Landscape Committee, had reviewed and thought needed attention. Matt Stolburg of Stolburg Landscaping provided estimates for four of the areas. After review and discussion, Amy moved that the Board approve \$2,211 to be spent on landscape projects. Joe seconded and the motion was approved unanimously.

4th of July Celebration: Jim told the Board a disc jockey and children's entertainment had been hired for the 4th of July at the pool. The City of Rockville is providing a moon bounce at no charge to NMC. John Brown has again volunteered to do the cooking this year. All the proceeds from the cookout benefit the NMC swim team.

Old Business

NMC Website: The NMC website is now up on the City of Rockville's Rocknet server. Jim has talked to Roald Schrack and he volunteered to help Jim get the training necessary to update the site.

Increase capacity in daycare center at 9 Lakeside Overlook: Amy told the Board that, after watching the Planning Commission hearing on the subject,

there were several points we could use in opposition to the proposal. The Planning Board appeared to put the burden of proof on the residents impacted by the change, not the applicants. Also, the Appeals Board should look at the whole daycare capacity, not just the incremental increase. If the proposal is approved, who will monitor the capacity? It would be difficult, if not impossible for the community to insure the applicant is in compliance with the approved capacity. Jim, Eddie and Brian Bicky, the Association's attorney, will attend the June 7 Appeals Board hearing at City Hall.

The resident of 9 Lakeside Overlook also submitted an ACC Form to build a ground level deck on the rear of his property. The ACC denied the application because drawings, plans or site survey were not included with the application. Upon receiving the denial, the owner supplied plans, a site plot and a **Building Permit** issued by the City of Rockville. Jim and the Board were surprised that he was able to obtain a building permit without an approval letter from the NMC Homes Association. Jim told the Board the City's check list for the submission of residential building permits requires an approval letter from a HOA if required. The Board asked Telly Whitfield to look into this situation.

12 Scandia Way addition: The Board discussed the proposed addition. Jeff moved and Steve seconded that the Board approve the addition. By a vote of 3 yes and 4 no the motion was defeated.

New Business

Eddie requested that the July Board meeting be moved to Thursday, July 10. The July 3 meeting would be right before the 4th of July holiday and many people will be away for the long holiday weekend. The Board agreed to the date change.

Eddie mentioned that he had a final draft of the traffic study completed as part of The Town Center redevelopment effort. He said it was interesting to note that many of the existing intersection and roadways in Rockville are currently graded poorly in the D, E and F categories. These ratings do not include any increase in traffic generated by the Town Center project.

Pool Rules: Eddie mentioned that there should be a change in the pool rules that would establish a ratio of adults to children less than 24 months old in the baby pool to insure proper supervision. He suggested 1 adult for every 2 children less than 24 months. Also, he wanted to make sure all non-residents were paying when they visited the pool. After discussion it was agreed that the guard staff be instructed to enforce all the current pool rules and regulations.

Swim Team: The Board discussed the issues raised during Community Forum. They

would not create a separate fee for the former teenage residents who wanted to participate with the swim team. The Board “grandfathered” the swimmers for the 2003 season, allowing them to swim at no charge. It would be the swim team’s responsibility to insure they were in compliance with the MCSL. The Board also agreed that there would not be a fee schedule developed for non-residents in need of financial support.

Maintenance Assistance: Jim told the Board he had an opportunity to hire an individual that could help with landscape and maintenance chores in the community. The person was very familiar with landscape issues, trees and the proper use of power equipment. Amy moved and Steve seconded that the Board approve the hiring a part time landscape/maintenance employee at \$15 per hour for 120 hours. At the end of 120 hours Jim would report back to the Board. The motion was passed unanimously.

Dorie mentioned the large bus is still occasionally being parked in the clubhouse parking lot. Jim told the Board he spoke to the resident that drives the bus and told him it was against community rules to park in the clubhouse lot.

The meeting was adjourned upon a motion by Dorie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY JULY 10, 2003

ATTENDEES: Eddie Alexander, Dorie Mangan, Joe Jordan, Geoff Becker, Amy Sloan, Steve Snapp, John Arrieta, City of Rockville Traffic Engineer and Jim Denny.

President Eddie Alexander called the meeting to order. There were no residents present for Community Forum. Eddie had reviewed the Transportation Recommendations for Town Square Preliminary Development Plan Application provided by the City. Eddie felt there were traffic issues that had not been addressed and other areas of the plan that needed further explanation. John Arrieta from the City told the Board there were several proposals under review for Maryland Avenue. One was the installation of one or more circles on Maryland Avenue between Potomac Valley Road and Vinson Street. The other was changing Maryland Avenue to three lanes and making the road two lanes in the direction of the rush hour during the morning and evening. Eddie also asked what impact the expansion of Route 28 to Georgia Avenue would have on Rockville's traffic. John said the study we were discussing did not include areas outside the Town Square Development. John also mentioned that limiting or stopping development in the downtown area would not alleviate traffic congestion. Downtown Rockville's traffic issues will still be directly impacted by the development in the surrounding areas. If downtown Rockville is not a final destination, it would still be a through-way for people traveling to other destinations.

Amy brought to Jim's attention a change to the June minutes. Upon a motion by Geoff and seconded by Steve the revised minutes of the June Board meeting were unanimously approved.

Officer and Committee Reports

No committee chairpersons were present.

Administrator's Report

Pool: Jim told the Board he was pleased with the guard staff we had this summer. Amy had several comments and questions concerning pool operation. She asked if the time limit for closing the pool after hearing thunder was a regulation of the pool company, NMC or the county. Jim did not know but would find out. Also, the requirement that two lifeguards be in the guard chairs at all times appeared to be unreasonable. Amy mentioned she was the only person swimming during the adult swim and there were two guards up in the chairs. Jim said Continental's policy of two guards at all times had been revised and the need for the second guard was left to the discretion of the manager based on the number of people in the pool. It was also mentioned that during adult swim, even if there is not anyone in the pool, a guard should be on the pool deck at all times. The guards also need to better enforce the no-eating-outside-of-the-table-area rule. Kids were observed sitting around the edge of the pool eating ice cream during the adult swim.

Dues: Jim told the Board there are 11 residents who are not current with their dues. The Association has liens in place on three residences and Jim will follow up on the remaining past due accounts.

Lake: Jim is waiting for a proposal from a second engineering company on the lake surveying project.

Old Business

NMC Website: The NMC website is now up on the City of Rockville's Rocknet server. Jim has talked to Roald Schrack and he volunteered to help Jim get the training necessary to update the site.

12 Scandia Way addition: Jim told the Board he has had several discussions with Ms. Dyer after informing her that her application for a sunroom addition had been denied. She feels she was not given opportunity to discuss her proposal with anyone from the ACC or the Board. She felt it was just a series of unilateral decisions made by the ACC and the Board without trying to work out any compromise or changes to the project. Geoff suggested a subcommittee of the Board and the ACC meet with Ms. Dyer to discuss her project. Eddie and Geoff volunteered to sit on the committee. Jim will arrange a meeting with the committee members, Mary Lee of the ACC and Ms. Dyer.

Community Walk: Jim will let the Board members know when he begins his walk through the community looking for concrete and tree problems.

New Business

Reserve Funds: Eddie said he thinks the community needs to increase the amount of money in our reserve fund. Due to the low interest rates, our reserve funds are not earning as much interest as in the past. The Board discussed options that would sufficiently fund the reserve account without creating a hardship on the residents. Amy asked how various options would comply with our by-laws. Eddie said we should study how we allocate monies to the reserve fund from our annual dues. This should be an agenda item for the next Board meeting. Jim was going to check with Rose to see how the initial amount of money was allocated to the reserve fund.

August Board Meeting: Geoff asked if there were going to be enough Board members in town to form a quorum for the August Board meeting. After discussion, Geoff moved and

Dorie seconded that the August meeting be cancelled and the next Board meeting will be held in September.

Dorie mentioned a neighbor has had a motor boat parked in their driveway for several weeks. This is against community regulations. Jim will send a letter to the resident asking him to move the boat to the clubhouse parking lot. Dorie also mentioned that the large bus still occasionally parks in the clubhouse parking lot. Jim told the Board he spoke to the bus operator. The operator, a NMC resident, has an agreement with the principal at Julius West Middle School to park the bus there overnight. He occasionally parks the bus in our lot for several hours during the day between trips.

The meeting was adjourned at 9:25 pm upon a motion by Steve and seconded by Amy.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
WEDNESDAY, SEPTEMBER 2, 2003.

ATTENDEES: Eddie Alexander, Dorie Mangan, Joe Jordan, Geoff Becker, Steve Snapp, Jeff Grandin, Roger Zions, Alisa Schams and Jim Denny.

President Eddie Alexander called the meeting to order. There were two residents present for Community Forum, Alisa Schams and Roger Zions. Roger told the Board he was concerned about several trees on common property leaning toward his house and would the Board authorize their removal. Jim said he would have the trees checked by our tree company and pass their evaluation to the Board for a decision. Alisa Schams also wanted to know the status of her request to have a large tree limb on a community owned tree trimmed. Eddie said discussion on the tree proposal was scheduled for later in the meeting and she was welcome to wait for the discussion.

Officer and Committee Reports

Eddie told the Board he attended a meeting and tour of the Seven Locks Detention Center. The county discussed their future use of the facility and the tour was part of their plan to keep neighboring communities informed.

Eddie had a discussion with Larry Marcus, City of Rockville, about the placement of a speed monitoring sign on the west side of the New Mark Esplanade's entrance. The sign blocks driver vision as they attempt the turn on to Maryland Avenue, creating a dangerous situation. This problem had previously been brought to the attention of the City. The sign was removed within a half hour and Mr. Marcus said a sign would not be placed in that location again.

Eddie said there is a proposal to change the speed limit on Maryland Avenue from 25 MPH to 30 MPH from Potomac Valley Road to beyond the stop light at Argyle Avenue.

Eddie mentioned he received an invitation to attend the signing of a General Development Agreement between the City of Rockville and Federal Realty Investment Trust for the redevelopment of Rockville Town Center. Geoff said it appears to be a political event and asked why we should send a representative. He believed we do not want to imply that we approve of the project based on our attendance at the document signing.

Administrator's Report

Pool: Jim gave the Board an unsolicited proposal received from Continental Pools for pool repair and rebuilding prior to the coming season. Jim said the proposal was for their information only, not requiring action at this time. He will meet with a Continental Pool representative and discuss the proposal in detail and report back to the Board. Jim said he will get opinions and estimates from other pool repair companies.

Jim will also solicit bids from other pool management companies for the 2004 pool season.

Old Business

NMC Website: The NMC website is now up on the City of Rockville's Rocknet server and the information is current. Roald Schrack gave Jim a training session and a copy of the necessary software to update the web site.

12 Scandia Way Addition: Jim told the Board the ACC approved the revised plans submitted for the addition at 12 Scandia Way. There were several requirements tied to the approval: the upper deck rail system should be less obtrusive, the plantings in front of the home should be extended in front of the new addition and additional planting be installed between the adjoining property at 11 Scandia Way.

9 Lakeside Overlook: Jim gave the Board the letter from the City Appeals Board ruling that denied the application for the increase in capacity of the daycare at 9 Lakeside Overlook.

Drainage Problems 328-336 NME: Joe Jordan mentioned the drainage problems still persist behind his row of townhouses. Given the long history of problems and attempts over the years to rectify the situation, Jim suggested we solicit an engineering/surveying company to look at the site and offer solutions. The Board agreed and Jim will contact EQR Inc.

New Business

Bonifant Tree Service Proposal: Jim gave the Board a proposal for tree trimming and removal in various areas of the community. After discussion, Dorie motioned and Steve seconded that the Board approve the proposal for \$2,275. The motion passed unanimously.

Alisa Schams asked the Board who was responsible for trimming the cherry tree in the front of her home. Jim told her the tree was on community property, therefore our responsibility.

Tree Removal Request: Dr. N. Wilke submitted a request to remove a large poplar tree next to his garage. After discussion, the Board stated that we should have a letter from an arborist stating the necessity for removal i.e.: dead, dying, diseased. Upon a motion by Geoff and seconded by Joe, the Board would approve the removal based on a report from an arborist stating the tree should be removed. The motion was unanimously approved.

Bob Turner, 605 Tegner Way, requested permission to remove the cherry tree in his front yard and a 6" diameter tulip tree on the right rear corner of his property. The Board agreed

to look at the cherry tree and approved the removal of the tulip tree.

Tree removal policy/process: Jeff asked what is the current policy for tree removal and replacement. Currently, there is not a process in place. Upon a motion by Steve, seconded by Joe, the Board will establish a Tree Management Committee comprised of 3 sitting Board members and 2 committee members appointed by the Board. The motion was passed unanimously. Eddie, Geoff and Jeff agreed to meet during the coming month to discuss creating a comprehensive policy for tree management that is consistent with the NMC By-laws and the City of Rockville tree policy.

Letter from Mr. L. Chinnery: Mr. Chinnery sent a letter to the Board asking that they reimburse the \$100 deductible he paid to have his car repaired. A tree branch fell on his car during thunder storm in August. He felt the Association was negligent in not having the tree pruned after the tree had incurred damage over the last several years. After discussion, the Board decided the Association was not liable for the damage and would not pay the \$100.

Approval of the Minutes and Agenda: Eddie brought to Jim's attention a change required to the July minutes. Upon a motion by Geoff and seconded by Steve, the revised minutes of the July Board meeting were unanimously approved.

Seal Coating the 800 Block Parking Lot: Jim gave the Board a proposal from the Danny Sivert Company for seal coating the 800 block townhouse parking lot. After discussion, Geoff moved and Joe seconded that we accept the proposal for \$3,975. The motion passed unanimously.

Dues: Jim told the Board there are 7 residents who are not current with their dues. The Association has liens in place on three residences and Jim will follow up on the remaining past due accounts.

Lake: Jim is waiting for a proposal from a second engineering company on the lake surveying project.

The meeting was adjourned at 9:50 pm upon a motion by Dorie and seconded by Geoff.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 2, 2003.

ATTENDEES: Eddie Alexander, Joe Jordan, Steve Snapp, Amy Sloan and Jim Denny.
Jeff Grandin arrived at 8:50 pm.

President Eddie Alexander called the meeting to order.

There were no residents present for Community Forum.

Upon a motion by Steve and seconded by Joe, the minutes of the October Board meeting were unanimously approved.

Officer and Committee Reports

Eddie mentioned that he and several Board members met to discuss NMC trees. Geoff sent Jim an outline of issues discussed at the meeting.

Steve told the Board the Candidate's Forum, which NMC was a cosponsor, was well attended and informative.

Administrator's Report

Girl Scouts: NMC has allowed a Girl Scout troop free use of the clubhouse for their meeting as long as one of the troop members was a resident of NMC and the parents would accept the responsibility for the clubhouse. The current troop does not have any NMC residents and asked for continued use of the clubhouse. After discussion, Joe motioned that NMC not extend free use of the clubhouse to any non resident organization. Amy seconded the motion which was passed unanimously.

Pool: Jim told the Board he met with a representative of US Aquatics. They will evaluate the main pool and give an estimate of proposed repairs.

Dues Update: Eight residents are not current with their dues. There are liens in place against three of the residents and collections efforts are still on going.

Storm damage: Storm damage from Hurricane Isabel to the common areas of the community was extensive. Bonifant Tree Service, The Danny Sivert Co. and Stolburg Landscaping all worked to remove storm damaged trees and on the clean up of the community. The Danny Sivert Co. bill was \$2,835. The bill from Bonifant Tree Service has not yet been received.

HOA Documents: Jim told the Board we should consider raising the fees we charge for Home Owner Association documents. NMC currently charges \$25 for a package that contains the NMC Covenants, ACC Guidelines, Parking Regulation, the current year budget and a letter stating the sellers' dues amount and status. After discussion, Amy motioned we raise the HOA document fee to \$75. Joe seconded the motion which was passed unanimously.

Old Business

Drainage Problems 328-336 NME: Jim met with an engineer from EQR Inc. and walked the area behind 328-336 NME. Jim also showed him the area behind 836-844 NME that has an erosion problem. The engineer said he would return for further evaluation of the sites and prepare a proposal.

New Business

Stolburg Proposal: NMC is in the final year of a three year contract with Stolburg Landscaping. We received a proposal for a new three year proposal that included a 3% increase for the first year, 2% for the second year and a 1% increase for the final year. After discussion, Joe motioned that NMC accept the Stolburg proposal. Steve seconded the motion that passed unanimously.

Continental Pool 2004 Proposal: Jim told the Board we have received a pool management proposal for 2004 from Continental Pools. Jim will solicit a bid from another pool management company.

Danny Sivert Co. Proposal: Jim requested a proposal to seal the NMC bike/walk path and install a blacktop apron at the end of the path between the curb and the end of the path. The area at the end of the path is susceptible to damage by contractor trucks that have to access common areas along the path. The proposal was for \$3,450. After discussion, Amy motioned that we accept the Sivert proposal. Joe seconded the proposal which passed unanimously.

Attorney Changing Firms: We received a letter from our attorney, Chadwick + Washington, announcing Shelia Lynn and Brian Bicky were moving to another law firm. The Board instructed Jim to find out who will be our new contact at C+W and will the current support staff remain in place. Also, Jim should find out what the retainer fees and attorney fees would be from both firms.

Samid Lawsuit Dismissal letter: Our attorney received a notice that the lawsuit was being dismissed without prejudice because more than one year had passed since issuance. The suit was originally filed by NMC to collect attorney fees. After discussion, the Board decided to allow the suit to drop. The Association has a lien against the property that will protect the claim for these fees.

Newsletter: Joe feels the newsletter could use some updating. He suggested that we

solicit input from the community on what they would like to see in the newsletter. The Board agreed and a notice will be included in the next newsletter.

Jim's Vacation: Jim told the Board he will be on vacation from October 24 to November 7, 2003. He said he will be unable to check email or the NMC phone while he is away. Back up for Jim will be determined later in the month. Jim requested the November Board meeting be rescheduled to November 13. The Board members all agreed.

Eddie received a letter from a resident's attorney complaining about excessive noise coming from their next door neighbor. The letter stated the neighbors have ignored direct appeals to lower the noise level and refused any attempts to mediate the problem through the Human Rights and Community Mediation Administration the City of Rockville sponsors. The letter asked the Board to contact the offending resident and inform them they are in violation of community Covenants. The Board directed Jim to contact the attorney and express our concern but let him know we have little enforcement power in this type of situation.

Bob Turner, 605 Tegner Way, asked permission to remove a cherry tree that has become too large for its location. He has offered to plant a smaller tree or bush that would better fit the site. After discussion, Steve motioned that permission be granted to remove the tree, Joe seconded and the motion passed unanimously.

The meeting was adjourned at 9:15 pm upon a motion by Joe and seconded by Eddie.

Hurricane Isabel Clean Up: We received a bill from Bonifant Tree Service for \$6090. The amount attributed to the severe thunderstorms in mid August and Hurricane Isabel was \$4,940.

New Business

Change in Resident Agent: The Association's attorney prepared a resolution changing the resident agent from Rose Krasnow to Jim Denny. Eddie motioned that the Board appoint Jim as the resident agent for the New Mark Commons Homes Association. Joe seconded the motion which passed unanimously.

2004 Proposed Budget: Jim told the Board the Consumer Price Index for the Washington/Baltimore metropolitan area increased 2.8% for the period of September 2002 to September 2003. Jim told the Board a 2.8% increase in the dues represents an increase of \$20 to \$22 per household for 2004. Joe asked if the Board always raised the dues. Geoff said historically the dues have always been increased. NMCs expenses generally increase more rapidly than the dues. This is very evident in the thirty percent increase in the Association's general liability insurance. We are budgeting for an additional thirty percent increase in 2004. Steve felt we should have a plan to undertake some capital improvement in 2004. The lake dredging will be a major item, costing between \$100,000 and \$125,000. There will also be parking lot maintenance and curb/sidewalk repair and replacement. Steve suggested we should have the latest Reserve Fund Analysis available at the next Board meeting. Geoff motioned that the proposed 2.8% dues increase and the proposed budget for 2004 be approved as presented, along with 2004 capital expenditures to be itemized and included in the November newsletter. Amy seconded the motion which passed unanimously.

2004 Calendar of Events: The Board wanted to discuss and set some tentative dates for the International Dinner, The Annual Board meeting and the Board of Directors Cocktail Party. The proposed dates are: February 21st for the International Dinner, March 16th for the Annual Board meeting and May 1st for the Board of Directors Cocktail Party. Jim will contact Raj Grupta to see if the February date is possible for the International Dinner.

Dorie mentioned the street light on NME behind her home is not working. Jim said it had been marked by the City or PEPCO, so they are aware of the problem. The basketball courts need to have lines painted and there is a car parked on Farsta Court with no license plates. Jim said he would call the police about the car with no tags. Dorie also wanted to know if permission was needed to remove a pine tree. Steve and Jim said permission was only needed for hardwood trees.

The meeting was adjourned at 9:00 pm upon a motion by Dorie and seconded by Geoff.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 4, 2003.

ATTENDEES: Eddie Alexander, Joe Jordan, Steve Snapp, Amy Sloan, Jeff Grandin, Geoff Becker and Jim Denny.

President Eddie Alexander called the meeting to order.

There were no residents present for Community Forum.

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

Officer and Committee Reports

Eddie had several items he wanted to bring to the Board's attention:

Peerless Rockville was having an open house at the Red Brick courthouse on Friday, December 9th.

Eddie spoke to Susan Nolde, City Forester about NMC's plan to develop a tree policy and how it would interact with the City's Tree Plan. She said the City's updated Street Tree Master Plan is on the City website. Geoff asked if the City's tree policy would supersede NMC's Tree Policy.

Jim mentioned Paula Dyer at 12 Scandia Way had submitted plans to alter the approved design of the sunroom addition on her property. The plans were submitted to the ACC who reviewed and approved the alterations.

Joe asked if the gate at 522 NME had been approved by the ACC. Jim said he would research and get back to the Board.

The International Dinner Planning Committee, after much discussion, determined that April 3, 2004, would be a better date for the International Dinner instead of the proposed February date. The April date would probably have better weather and allow for more attendees.

Administrator's Report

Dues Update: Three residents are not current with their dues. There are liens in place against two of the residents and a payment plan was in effect for the third resident. We have not received a payment from the third resident in two months. Jim believes there was a misunderstanding over a letter sent by the Associations attorney. Jim will contact the resident.

Old Business

Lake survey proposals: Jim received two proposals to survey the lake and calculate the amount of spoil to be removed when the lake is dredged. After discussion, Geoff motioned and Joe seconded that we accept the proposal from Bay Land Consultants and Designers, Inc. for \$3,500. The motion passed unanimously.

2004 Budget: Jim told the Board he had received two inquiries on the 2004 Budget after it was published in the November/December newsletter. Eddie mentioned that since we are limited to the amount we can increase our dues, we should try to negotiate any increase in services we receive from our vendors to our dues increase limit for the year. After discussion, Steve motioned and Jeff seconded to approve the 2004 Budget and dues increase. The motion was approved unanimously.

New Business

Bonifant Tree Service proposal: We received a proposal for \$5,650 for eight locations within the NMC. These areas needed further clean up after Hurricane Isabel, removal of several trees that are potential problems to nearby homes and general tree pruning. After discussion, Joe motioned and Jeff seconded that we accept the Bonifant proposal. The motion was approved unanimously.

Monte Loeb proposal: We received the engagement letter from Monte Loeb, the Association's accountant. It outlined the services to be performed under our agreement with him and the rate for 2004 which is \$5,650. This was the same amount we paid for 2003. Eddie mentioned that he was not present last year when Mr. Loeb's agreement was ratified and would like to meet with Mr. Loeb before the Board agrees to the 2004 contract. After discussion, it was decided that Jim will arrange a meeting with Monte, Eddie and Jim. Jim will report to the rest of the Board the results of the meeting.

Baby Pool Cover: Jim received two proposals to furnish and install a cover on the baby pool. The Continental Pool proposal was for \$1,263 and the US Aquatics proposal was for \$1,800. After discussion, Amy motioned and Joe seconded that we accept the Continental Pool proposal. The motion passed unanimously.

Reserve Fund proposal: Jim told the Board that we had rolled over CDs that had matured and deposited the funds in the Association's Smith Barney account. After discussion, it was decided that we should not invest in any CDs with a maturity longer than one year, due to the expected rise in the interest rates.

Eddie mentioned that he will be out of town from December 21 to January 6, 2004.

It was decided to hold the January Board meeting on January 8, 2004 instead of January 1, 2004, the first Thursday of January.

The meeting was adjourned at 8:40 pm upon a motion by Geoff and seconded by Steve.