

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JANUARY 8, 2004.

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

President Eddie Alexander called the meeting to order.

Carol and Grant Rushing, 332 NME, were present for community forum. Carol was a member of a committee several years ago that was trying to find alternative exterior light fixtures for the townhouses and contemporary single family homes. She found a fixture at The Great Outdoors that she felt would be acceptable in style and size for the townhouses. It was an Outdoor Olde Bronze fixture manufactured by Kichler, part number 9714OZ. Joe mentioned it may be time to loosen the ACC guidelines and allow residents more alternatives to the rectangular fixture that is currently approved. A prime concern for any fixture is that it illuminates the house numbers.

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

Officer and Committee Reports

Geoff gave the Board an overview of his research into the City's tree policy and how it relates to NMC's tree rules and regulations as stated in our Covenants. Owners of single family homes are not subject to City regulations, but are subject to NMC's regulations. The trees on the Association common property are subject to City regulations as well as our covenants. Jim will contact the City and obtain the required documentation to submit when it is necessary for the Association to remove a tree. Geoff offered to write an article for the February newsletter giving the community an update on the committee's findings.

Old Business

Dues Update: The first installment of the 2004 HOA fees are not due until February 1, 2004. Jim will give the Board an update at the next Board meeting.

Lake survey: Bay Land Consultants completed the survey of the lake and prepared blueprints of the lake annotated with sounding of the current lake depth and an estimate of the amount of spoil to be removed. After discussion with Sepehr Baharlou, President of Bay Land Consultants, the next step in the process would be to obtain permits for the dredging from the required government entities. It is not clear if NMC would need to apply to Maryland Department of the Environment (MDE) and the Army Corps of Engineers for this project. Sepehr suggested we start with the local Soil Conservation District office. If only local permitting is required, the permit process could take from 1 to 3

months. If MDE and the Army Corps of Engineer permits are required, the process could take from 3 to 6 months. The Board agreed that Jim should start with the local Soil Conservation District office.

New Business

Danny Sivert proposal: We received a proposal from the Danny Sivert Company for snow removal. The proposal is presented as a dollar amount per hour for the different type of equipment used by Mr. Sivert, depending on the amount and type of snow or ice falls. The rates were the same as last year's contract. After discussion, Joe motioned and Geoff seconded that we accept the Sivert proposal. The motion was approved unanimously.

Peerless Rockville: Via email, Steve asked if NMC would be willing to co-host a program with Peerless Rockville about planned neighborhoods in Rockville. Since NMC is a good example of a planned development, we would be a natural venue for this type of program. Steve asked if the Board would make the clubhouse available at "no charge" for the event and assist in publicity for the meeting. After discussion, Amy motioned and Geoff seconded that we make the clubhouse available at no charge for the event. The motion was approved unanimously.

Annual Meeting: Also via email, Steve suggested that we invite Eileen McGuckian to be our guest speaker at the annual meeting. She could give a presentation on the history of Rockville and tailor it to the NMC area. Steve mentioned that she is a very good speaker and the program would be very informative. After discussion, the Board agreed to ask Eileen to be the guest speaker at the March annual meeting

Sidewalk Ramps: We had a request from a resident in the townhouse areas that ramps be installed from the sidewalk to the parking lots. Ramps would make it more easily accessible for wheel chairs. It was noted that the City has already installed ramps at most sidewalk and street intersections. Jim said he would investigate and as part of our on going concrete work, start installing access ramps.

Vandalism: Jim received a call from a resident on Bentana Court who mentioned that his house had been vandalized (bombaraded with raw eggs) several times in the last couple of months. He suspects a couple of non resident teenagers are involved but he has been reluctant to involve the police. He just wanted the Board to be made aware of the problem.

ACC Issues: Joe questioned if the new siding installed on 844 NME had been approved by the ACC. He also wanted to know the status of the non compliant gate at 522 NME. Jim told the Board the siding had been approved. An application to build a gate at 522 NME was submitted and approved in June 2002, but the gate built does not match the gate described in the application. Jim will write the resident of 522 NME a letter telling him the gate is not suitable and differs from the style approved.

Eddie mentioned it may be time to review the ACC guidelines. He suggests a subcommittee of the Board be formed to review the guidelines. Joe offered to be on the sub committee.

Exterior light fixtures: Jim will ask Carol Rushing if she would mind looking at other alternative fixtures in addition to the one she presented to the Board earlier in the meeting. A couple of considerations would be a compatible style, affordability and future availability.

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

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 5, 2004.

ATTENDEES: Eddie Alexander, Joe Jordan, Amy Sloan, Jeff Grandin, Geoff Becker, Dorie Mangan, Telly Whitfield, Elliott Acolatse and Jim Denny. Geoff Becker arrived at 8:15 pm.

President Eddie Alexander called the meeting to order at 7:30 pm..

There were no residents present for Community Forum. Telly Whitfield, City of Rockville Neighborhood Resources Coordinator, had several items to discuss with the Board and also get some feed back on the change in the speed limit on Maryland Avenue. Telly also introduced Elliott Acolatse, Housing Code Inspector in the Department of Neighborhood and Community Services. The speed limit was increased on Maryland Avenue between Falls Road and Argyle Street. Eddie mentioned that not many drivers obeyed the lower speed limit on Maryland Avenue and now that the speed limit was increased, the speed on Maryland Avenue will increase. Eddie also mentioned that when PEPCO sets up for repair work at the corner of Maryland Ave. and New Mark Esplanade they block the line of sight for drivers pulling out on to Maryland Avenue. Telly said the PEPCO work at NME and Maryland Avenue would continue now that the snow is melting.

Telly said the new solar powered speed indicator on Maryland Avenue hopefully would make drivers more aware of their speed. Eddie mentioned that he lobbied to keep the speed indicator from being built near the NMC entrance. Eddie was also concerned about the increase in traffic from the new downtown development. Amy asked Telly when the Magruder's store would be demolished. Telly said the settlement date for the property is between April and June and demolition could start 30-60 days later. The initial downtown development will be the extension of Maryland Avenue and the infrastructure for the new library. Jeff wanted to know if a left turn arrow would be considered for traffic turning on to route 28 from Maryland Avenue.

Elliott Acolastse said he is one of the two Building Code Inspectors for Neighborhood and Community Services. He mentioned that New Mark Commons seldom has problems that require his attention.

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

Administrators' Report:

Dues Update: The first installment of the 2004 HOA fees were due February 1, 2004. Jim told the Board that as of February 5, there were 69 homeowners who had not yet paid their dues. This is about 18% of the community. Jim said "late" letters would be sent after February 15, 2004.

Old Business

Tree Policy: Jim included in each Board members package a draft of the tree article that Geoff Becker wrote updating the community about NMC and the City's tree policies. The article will be published in a coming newsletter.

Peerless Rockville: Jim included in each Board members package a draft of the announcement of the Peerless program that was being co-sponsored by NMC. The announcement will be in the February Newsletter and posted on the NMC website.

New Business

Richard Montgomery HS Cluster Neighborhood Organization: Jim received an email with a flier from Amy Sutter, President of the Committee for Excellence at Richard Montgomery. The Committee feels that the funding for the new RMHS is in jeopardy and wanted to have their upcoming meeting advertised together with a form letter they drafted for people to send to local elected officials. After discussion, the Board agreed to advertise the meeting date in the newsletter but not include the form letter.

Tower Oaks Extension: Bill Kominers, attorney for Tower-Dawson LLC, sent NMC a copy of the request that Tower-Dawson submitted to the City of Rockville Planning Commission. They are requesting an extension of the validity period of the approved Detail Application for the development of the South Gateway site in Tower Oaks for an additional year. Eddie was concerned that there was not any notification sent to neighboring property owners. Amy mentioned the extension of an existing permit is not considered a major item by the Planning Commission. Telly was asked if there is a way to have the Planning Commissions agenda auto emailed to interested parties before the meeting. Geoff suggested we ask Bill Kominers to attend an upcoming Board meeting and give us an update on the entire Tower Oaks development.

Fidelity Bond: Jim gave the Board members a proposal for the renewal of the Association's fidelity bond. The premium increased from \$910 to \$1,300 for 2004. The new insurer, Ian H. Graham Insurance, is offering more coverage, \$1,000,000. The previous carrier only offered coverage up to \$600,000. The Association's reserve fund and annual operating fund is approaching \$1,000,000. One of the terms of the quote was that a board member who was not authorized to sign checks perform the monthly bank reconciliation. Jeff Grandin offered to balance the checkbook with Jim. After discussion, Joe motioned and Geoff seconded that we accept the new fidelity bond proposal from Ian H. Graham. The motion was passed unanimously.

Swimming Pool Management Contract: Continental Pools submitted their 2004 Management contract. There was a five (5%) increase over the 2003 contract which

raised the price from \$38,257 to \$40,169.85. U.S. Aquatics also submitted a proposal for \$38,500. The Board felt we had a very successful 2003 swim season and would like to continue using Continental as our management company. Eddie said he would like to meet with the Continental representatives and attempt to negotiate a lower price increase. Eddie wants to explain to Continental how our Association dues are tied to the rise of Consumer Price Index, which was 2.8% last year. Jim will arrange a meeting with Continental Pools.

Vandalism: Jim told the Board of two instances of vandalism in the 100 block of NME. One resident had a large stone thrown through the rear window of his parked car. He observed several young men throw the stone and then run through the woods toward Monroe Street. Another resident had two tires slashed on his pickup truck.

Correspondence: The Board received two letters from residents. Barbara Cano was concerned about the ongoing construction and the equipment left parked at the corner of NME and Maryland Avenue. She was also concerned about the snow not being cleared from the sidewalk between her home and the corner of NME and Maryland Avenue. Jim told the Board he spoke to Telly Whitfield about the construction equipment along NME and it was removed the following day. Jim also spoke with Danny Sivert, our snow removal contractor, to insure that in future snow storms that section of the sidewalk would be cleared. Danny also cleared the existing piles of snow blocking the sidewalk. Jim will reply to Barbara.

Robert Jaynes also wrote expressing his displeasure with the 2004 dues increase.

Community Associations Institute (CAI) Conference: Jim told the Board the CAI Conference was scheduled for Saturday, February 28th, at the Washington Convention Center.

Amy mentioned that this would be her last meeting as a Board member. She will not be able to attend the March 4th meeting. Everyone thanked Amy for her service and told her she would be greatly missed.

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

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 4, 2004.

ATTENDEES: Eddie Alexander, Joe Jordan, Jeff Grandin, Geoff Becker, Steve Snapp, Dorie Mangan, Roger Zions, Olga Perlmutter and Jim Denny. Dorie Mangan arrived at 8:55 pm.

President Eddie Alexander called the meeting to order at 7:30 pm..

There were two residents present for Community Forum. Roger Zion, 822 NME and Olga Perlmutter, 5 Lakeside Overlook. Olga was attending as an interested observer. Roger had several issues he wanted to bring before the Board. A large oak tree was blown down during the hurricane last fall, directly behind Roger's home. The oak also damaged several smaller trees and the low ground cover in the area. Roger asked that the community plant some bushes to act as a screen between his house and the bike path. The Board said they would discuss later in the meeting. He also mentioned that a neighbor has a dog that barks constantly. Geoff suggested he contact the City of Rockville's Neighborhood Services and complain about a nuisance dog. The City also offers mediation service that can help resolving issues between neighbors.

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

Officer and Committee Reports: Eddie had several items to discuss. He noted there were vacancies on several committees in the community and a call for volunteers should be made at the annual meeting. Jim should also check with the chairpersons of the various committees to see if they wanted to make any report at the annual meeting. If so, they should give the Board a copy of the report before the meeting. Jim should also contact Richard Berman to see if he is willing to assume the chairmanship of the Property Enhancement Committee. If yes, would he be ready to start a maintenance survey of the community.

Administrators' Report:

Dues Update: The first installment of the 2004 HOA fees were due February 1, 2004. Jim told the Board that as of March 4, there were 16 homeowners who had not yet paid their dues. This represents about 6% of the community. Jim told the Board that NMC was expecting a check of approximately \$3,700 from one resident who was several years in arrears in their dues. Jim mentioned that last year at this time there were 7 residents who had not paid the first installment of their dues.

Old Business

Pool: Jim told the Board that Eddie had successfully negotiated a lower price from Continental Pools for the 2004 season. Instead of the proposed 5% increase, Eddie asked for and received a 2.8% increase. He also had included a performance clause that would refund \$1,000 to NMC if the pool manager left before the end of the season and the level of service

at the pool deteriorated. Upon a motion by Jeff and seconded by Joe, the contract with Continental Pools for the 2004 season was approved.

Jim had two proposals from Continental Pools for pre opening repairs and supplies. The repair proposal was for \$3,025 and the supplies proposal was for \$1,592. These two proposals were a result of an inspection and inventory by Continental during the last week of February 2004. Jim also mentioned that Continental Pools recommended several repairs for the 2004 season. The main item was the replacement of the filter system return fittings in the bottom of the pool. That work would need to be done this spring and was at estimated at \$2,640. Jim asked the Board to approve the repairs and replacements plus the \$2,640. return fitting replacement. Upon a motion by Geoff and seconded by Joe, the Board authorized repairs and parts replacement, not to exceed \$7,500.

Lake: Jim told the Board he had checked with the Soil Conservation District and Montgomery County requesting information on the permits required to dredge Lake New Mark. After research, the Soil Conservation District said they would not be involved in our dredging project. They referred me to Montgomery County Department of the Environment. The County said they would not be involved because NMC was within Rockville city limits. The county referred me to Susan Straus, an Environmental Engineer with the City. I am waiting for information from her.

Board Elections: There is one Board position coming open this year. Amy Sloan's term is expiring. John Brown had expressed some interest but had not submitted a note with a bio for the newsletter or flier.

New Business

Stolburg Proposals: Jim received two proposals for landscape and erosion control work from Stolburg Landscaping. The first proposal was to clean the fence line that marks the NMC property line on Monroe Street. Steve asked if we were in violation of any City ordinance by not cleaning up this area. The proposal was not to exceed \$1,400 including dump fees. The second was to add two 16"X16" catch basins with stone in the existing drain line located behind 838 to 844 NME. These basins would catch storm water run off before it had a chance to wash soil down on to the sidewalk. After discussion, Steve motioned and Joe seconded that we accept the two proposals from Stolburg Landscaping. The motion passed unanimously.

Long Fence Proposals: Jim had two proposals from Long Fence to install metal hand railing on the side of 278 NME and on top of the retaining wall between 332 and 334 NME. The prices were \$1,100 and \$1,265 respectively. The railing next to 278 NME had been approved in early 2003 so no Board action was required. After discussion, Joe motioned and Steve seconded that we accept the Long Fence proposal to install the steel handrail between 332 and 334 NME. The motion was passed unanimously.

Insurance Premium Increase: NMC received notice that our Commercial Package Liability insurance premium would be increasing from \$16,858 to \$22,696, an increase of over 34 percent. Also, the Umbrella Policy (increased liability coverage) premium would increase from \$1,763 to \$2,160, an increase of over 22 percent. The Board instructed Jim to contact other HOAs to determine if their insurance premiums were increasing at the same rate and what insurance company wrote their policies. Jim will research and report back to the Board at the next meeting.

Annual Meeting Agenda: Jim gave the Board a copy of the coming annual meeting agenda. Steve asked why we had the speaker in the middle of the meeting. No one saw any reason for the location, so Steve suggested the guest speaker position be moved to after the election of the new Board member.

Tennis Court Repairs: Jim told the Board that after looking at the tennis courts this spring there was significant cracking that would have to be repaired. Jim had two proposals from last fall and would ask the contractors to look at the courts again and come up with current repair proposals and estimates. Steve asked how the prices compared to the estimated cost stated in our 2002 reserve analysis and how long the repairs would last. Jim said he would have updated proposals at the next Board meeting.

NMC Parking Policy Review: Geoff asked that our current parking policy be put on the agenda. Our policy does not address two current situations with the clubhouse parking lot. There is a 30+ passenger commercial bus, driven by a NMC resident, parked intermittently during the day in the clubhouse parking lot. Also, a couple of residents have parked extra cars in the lot without permission. Geoff and Jim will review the policy and report back to the rest of the Board.

Joe mentioned that the residents of his court were going to reshuffle parking spaces, eliminating one space in front of his residence. Eddie mentioned that new striping should be done in the parking lots and that reflective paint be used to mark the reserved spaces. Joe also mentioned there was a broken section of curb at the top of hill where you turned into his court.

Joe said that the increased speed limit on Maryland Avenue is making it harder to get out of the community.

Eddie mentioned there is a fence falling down behind 238 NMC and should be brought to the owner's attention.

There was discussion about Roger Zion's request for additional screening between his home and the bike path. Geoff suggested that we ask the Landscape Committee to look at the area, meet with Roger and determine what would be an appropriate planting for the area.

Steve asked if there were any topics that should be covered at the annual meeting. It was suggested that we solicit volunteers for the Tree, Parking and Community Enhancement Committees. It was also suggested that we post signs the weekend before the meeting at the entrance of the community, reminding everyone of the coming meeting.

The meeting was adjourned at 9:35 pm upon a motion by Dorie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, APRIL 1, 2004.

ATTENDEES: Eddie Alexander, Joe Jordan, Jeff Grandin, Geoff Becker, John Brown, Terry N. Treschuk, Chief of Police, Lt. Robert Rappoport, Rockville City Police and Jim Denny.

President Eddie Alexander called the meeting to order at 7:30 pm..

Chief Teschuk and Lt. Rappoport were present to discuss several vandalism incidents in NMC since the beginning of 2004. Chief Teschuck said the Police Department is starting a program of assigning an officer to act as a liaison between each community and the department. Lt. Bob Rappoport is the department's liaison with New Mark Commons. Lt. Rappoport showed the Board a book with various statistics for the city and NMC. There have not been any serious crimes in NMC this year but there have been four reported incidents of vandalism. He said the City is tracking all incidents in each community and would be glad to share that information with us at any time. He emphasized that it is important to report all acts of vandalism.

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

Officer and Committee Reports:

Election of Officers: After discussion, Geoff proposed and Jeff seconded that the current Board officers continue to serve in their existing position. Eddie Alexander, Steve Snapp and Joe Jordan would continue to act as President, Vice President and Secretary/Treasure respectively. The motion was unanimously approved.

Administrators' Report:

Dues Update: The first installment of the 2004 HOA fees were due February 1, 2004. Jim told the Board that as of April 1, there were 4 homeowners who had not paid the first installment of their 2004 dues. Jim told the Board that NMC received a \$3,700 check from one resident who was several years in arrears in their dues. After discussion, the Board decided that non-resident pool membership rate should also reflect the 2.8% increase the rest of the residents received.

Old Business

Lake: Jim told the Board he has a meeting at the lake scheduled with three employees from the City to discuss the permitting required to dredge the lake. Jim will keep the Board informed.

Insurance Premium Increase: Jim contacted several other property managers to see if their insurance premiums had increased as much as our proposed increased. Jim also solicited names of other insurance agents. Several other homes associations use Steve Rose, a State

Farm Insurance agent. After discussion, Mr. Rose said State Farm would not insure NMC because we have a diving board at the pool. Mr. Rose also mentioned that since our lake is unfenced, it would also present underwriting challenges. We received notice from Associated Insurance, that after review, they reduced the amount of our premium increase by \$2,983, from \$5,838 to \$2,855. This represents an increase of 17% versus the original 33.5%. After discussion, Joe motioned and Geoff seconded that we continue with Associated Insurance for the coming year. The motion was passed unanimously.

Tennis Court Repairs: Jim presented three proposals for the tennis court repairs. Two proposals recommended an overlay of stone dust, asphalt and topcoat as the method of repair. The third proposal was a crack repair system without an overlay. After discussion, upon a motion by Geoff and seconded by Joe, the Board unanimously decided to accept the proposal from Metropolitan Tennis Construction for \$31,600 for a stone dust, asphalt and topcoat overlay method of repair.

Tree Committee: Geoff told the Board about his conversation with Susan Node, City Forrester, about our proposal for the new tree committee. She said an extensive tree inventory would be expensive. Geoff wants to have a meeting with the volunteers and walk through the objectives of the committee and answer any questions they may have. Jim will call the volunteers and arrange the meeting.

New Business

Stolburg Proposals: Jim received two landscaping proposals from Stolburg Landscaping. The first proposal was to install wood chips on the playground and several walking paths in the community. The second proposal was for seeding and pruning behind 200 to 206 NME. After discussion, Geoff motioned and Joe seconded that we accept the proposals from Stolburg Landscaping. The motion was unanimously approved.

Bonifant Proposal: Jim had two proposals for pruning and installing a cable in a large Tulip Poplar tree from Bartlett Tree Experts for \$890 and Bonifant Tree Service for \$975. Bonifant also submitted a proposal to remove a large dead maple tree from common property. After discussion, Joe motioned and John seconded that we accept the proposal from Bartlett Tree Service. The motion was unanimously approved. The Board suggested that we solicit a proposal from Bartlett Tree Experts for the removal of the large dead maple.

Montgomery County Neighborhood Beautification Grants: Jim gave the Board a handout he received from Montgomery County on a grants program that provides matching funds of up to \$500 to enhance the appearance of their communities. Jim will forward the information to the Landscape Committee.

The meeting was adjourned at 9:35 pm upon a motion by John and seconded by Jeff.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 6, 2004.

ATTENDEES: Eddie Alexander, Jeff Grandin, Geoff Becker, John Brown, Dorie Mangan, Steve Snapp and Jim Denny.

President Eddie Alexander called the meeting to order at 7:30 pm.

There were not any residents present for Community Forum.

Upon a motion by Geoff and seconded by John, the minutes of the April Board meeting were unanimously approved.

Officer and Committee Reports:

Geoff told the Board that the Tree Committee hoped to meet in the near future and he would update the Board after the meeting.

Administrators' Report:

Dues Update: The second installment of the 2004 HOA fees were mailed and payment is due by June 1, 2004. Jim told the Board that as of May 6, there were 4 homeowners who had not paid the first installment of their 2004 dues. Jim gave the Board a letter from a resident who has a past due balance. They ask that the Board waive the late and legal fees and they will make every effort to pay the balance due. After discussion, the Board instructed Jim to reply that it is not the Board's position to waive legal and late fees. Currently there is a lien on another property in the community for the non-payment of legal fees.

Pool: Jim told the Board the pool passed the Montgomery County Health Department pre-opening inspection. The return fittings replaced in the bottom of the pool were working properly. The additional repair work would be scheduled in the coming weeks. Dorie asked about additional shade structure/umbrellas/tents for the pool deck, especially adjacent to the shallow end of the pool. Jim mentioned the swim team uses a temporary structure for their meets. Any temporary structure would have to be mounted to the deck. Jim mentioned we could purchase additional umbrellas and metal stands that can be located where needed. Jim will research shade alternatives and report back to the Board.

Old Business

Lake: Jim received a proposal from Bayland Consultants. They would provide engineering services to obtain Federal and State dredging permits, prepare construction documents and provide bidding and construction management services. The proposal was divided into seven task which totaled \$22,500. After discussion, the Board directed Jim to talk to other firms that could provide similar services and solicit their proposals.

Tennis Courts: The work on the tennis courts should begin any day. The project will take approximately four to six weeks, depending on the weather. The basketball court will be sealed and stripped at the same time.

New Business

Stolburg Proposals: Jim received two landscaping proposals from Stolburg Landscaping. The first proposal was to install the plants specified by the Landscape Committee for the corner of NME and Maryland Avenue. The second proposal was to repair turf damage in front of 156-160 NME. This area was damaged during a replacement of a water supply pipe at 160 NME. After discussion, Steve motioned and John Brown seconded that the Board accept the proposal for the front entrance planting. The motion was unanimously approved. The Board instructed Jim to discuss the turf repair proposal with the resident at 160 NME.

NMC/Fireside Apartment Boundary: Jim received an email from Elliott Acolatse, Housing Code Inspector for the City. Several NMC trees had fallen on the fence between NMC and on to the Fireside Apartment's parking lot. Jim had Bonifant's Tree Service prune the trees and clean up the debris on Fireside's property. Jim mentioned that the NMC and Fireside Apartment boundary needed to be assessed for trees that are a potential hazard to the fence and Fireside property. Geoff mentioned that could be a project for the new Tree Committee.

Annual Meeting Minutes: Jim gave the Board a draft of the minutes from the annual meeting. After review, there were several changes noted that need to be made. Jim will make the changes and distribute for review at the June Board meeting.

Miscellaneous: Eddie mentioned two upcoming meetings. The first was a Transportation Review to be held at City Hall on May 10th at 7:00 p.m. The second was a State Highway Administration workshop to discuss proposed changes to the intersection at Route 28 and Norbeck Road. The meeting will be held May 11th from 5:30 to 8:30 p.m. at Richard Montgomery High School.

Eddie would like to hold an "Adults Only" pool party on a Saturday evening sometime in June. Jim will let Eddie know what Saturday in June is available.

The meeting was adjourned at 8:45 pm upon a motion by Dorie and seconded by Steve.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, June 3, 2004.

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

President Eddie Alexander called the meeting to order at 7:30 pm.

Kathy Gall was present for Community Forum. Kathy wanted to discuss the construction next door at 12 Scandia Way. There was a large tree removed without any notification to the NMC HOA. Jim spoke to Ms. Dyer. While the contractor was excavating a slab for the new addition, it became necessary to remove a large root from a nearby tree. Ms. Dyer consulted an arborist to see what impact the root removal would have on the tree. It was determined the tree's entire root structure was weakened to the extent that the tree had to be removed. Ms. Dyer's original plans did not require the removal of any trees. Jim was instructed to check the size of the addition approved by NMC to the size of the addition submitted to the City for a building permit. Eddie and Geoff will meet with Ms. Dyer next week to discuss the unauthorized tree removal.

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

Officer and Committee Reports:

Eddie told the Board he received an invitation from the Mayor and Council to attend the ground breaking for the Town Center redevelopment on June 15th. If anyone was interested, he needed to RSVP by June 9th.

Administrators' Report:

Dues Update: The second installment of the 2004 HOA fees were mailed and payment was due by June 1, 2004. Jim told the Board that as of June 3, there were 56 homeowners who had not paid the second installment of their 2004 dues. Late letters will be mailed after June 15, 2004, and outstanding accounts will be discussed at the July 1 Board meeting.

Pool: The pool opened as scheduled on May 29th. Two of the Continental Pool lifeguards worked at our pool last year and are very familiar with our facility. Jim said there was one rescue performed on May 29th. An unsupervised child was rescued by one of the lifeguard. The child's mother was at the pool but not watching the child closely. Jim gave the Board information for a permanent shade structure. There were two sizes, 14' and 20' in diameter and cost \$4,999 and 5,999. respectively. We can also buy additional 7' diameter crank up umbrellas with moveable stands for about \$88 each. It is possible to build a shade structure over the shallow end of the pool, similar to the original. Jim said several years ago we were quoted approximately \$5,500 to rebuild it out of pressure treated lumber and over \$10,000. to rebuilt out of redwood. After discussion, the Board directed Jim to purchase

additional crank up umbrellas for this season and more permanent shade structures would be discussed later.

Old Business

Tennis Courts: The new base courses of asphalt have been installed and the playing surface of the courts should be installed within the next ten days, depending on the weather. The courts need to be dry and no threat of rain work within several hours of the new playing surface being installed.

Pool Party: Eddie said the cut-off date to sign up for the June 19th adult's only pool party is June 9th. So far 15 people had signed up for the party. A minimum of 40 people are needed for the party to proceed.

Tree Estimates: We received estimates from Bartlett Tree Co. and Bonifant's Tree Service for the removal of a large dead maple tree to the left of the entrance to the 200-300 block of NME. The Bartlett estimate was for \$1,875, the Bonifant estimate was \$1,725. After discussion, Geoff motioned and Steve seconded that we accept the Bonifant proposal. The motion was passed unanimously.

New Business

Annual Meeting Minutes: Jim gave the Board a corrected/updated draft of the minutes from the March annual meeting. After review, the Board said the minutes were fine. The minutes will be reviewed and approved at the 2005 Annual meeting.

4th of July at the pool: Jim said the annual holiday party will be held Sunday, July 4th. The City is not paying for moon bounce's provided by private vendors as they had in the past. Jim mentioned that last year several children suffered some minor scrapes and bruises in the moon bounce. After discussion, it was decided that the moon bounce would not be part of the program this year. We have contracted for the children's entertainment and the DJ. The pool closes at 6 p.m. on the 4th.

Clubhouse Use: A resident asked if it would be possible to use the clubhouse for a party for a non-profit organization for free or at a reduced rate. After discussion, the Board denied the request.

Correspondence: We received an email from Dr. Wilke concerning the landscaping and a basketball goal at a neighboring residence. The Board members looked at the referenced yard and found no violation of our covenants. The basketball goal at the end of the driveway was not approved by the ACC. The Board instructed Jim to talk to the resident about the basketball goal.

Miscellaneous:

Joe Jordan had several items for the Board. Another first aid kit is needed for the clubhouse. The first aid kit from the kitchen was moved to the life guard office for the pool season. We should supply another kit for the upstairs area of the clubhouse. Is it possible to air condition the clubhouse? Steve mentioned he had a neighbor in the HVAC business who offered his services to evaluate the clubhouse for A/C installation. Any installation would have to take into account future renovations. Joe wanted to know when the non-compliant fence gate at 522 NME would be removed. Jim said he would speak to the resident.

Dorie said the City Police created a back up at the entrance of NME and Maryland Avenue while they were operating a speed trap on Maryland Avenue. There were several cars pulled over next to the island making it hard to proceed on NME. Jim said he would talk to Lt. Bob Rappoport about using NME as the staging area for radar traps.

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

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, July 1, 2004.

ATTENDEES: Jeff Grandin, Geoff Becker, Dorie Mangan, Steve Snapp, Joe Jordan, John Brown, Gary Baker, Jack Rushing, Jim Mangan, Nancy Wood and Jim Denny.

Vice President Steve Snapp called the meeting to order at 7:35 pm.

Gary Baker and Jack Rushing were present for Community Forum to discuss changing the NMC Swimming Pool Regulations. The rule they want to change is under the Heath and Environment section, item 8 which reads:

“Children must be three (3) years of age to enter the main pool. Diapered babies and children who are not potty trained are not permitted in the main pool regardless of age. Toddlers who have been trained and may be subject to accidents will be expected to wear tight fitting nylon pants if they wish to enter the main pool”.

Gary Baker submitted a letter and a petition with 44 signatures that asked that the current NMC policy be changed to:

“Children and toddlers that wish to enter the main pool that are subject to accidents or are not potty trained must wear swim diapers and tight fitting rubber pants.”

Mr. Baker believes the current NMC rule too strict and the proposed change would bring the NMC rules in line with Montgomery County and the City of Rockville’s pool regulations. He feels children wearing tight fitting rubber pants over diapers do not present a greater health hazard than any other swimmer. In addition, he believes our current rule is illegal and is in violation of Montgomery County’s Fair Housing Standard. He said he spoke to Michael Dennis at the Montgomery County Office of Human Rights. Mr. Baker gave us a transcript of a voice mail received from Mr. Dennis. Mr. Dennis says there is an age discrimination issue and refers Mr. Baker to the City of Rockville Human Rights Commission.

Jack Rushing also spoke in favor changing the diaper policy. Jim Mangan spoke in support of the current policy. He feels the current policy is in place for health and safety reasons and was not designed to discriminate in any way. Dorie mentioned that basic breathing and floating skills can be developed in the baby pool. Joe inquired if part of the reason for the proposed change is the difficulty in juggling different age children between the baby pool and the main pool.

After discussion, Steve suspended further discussion in Community Form. He felt all sides had presented their point of view and the Board would discuss this item further during the New Business portion of the meeting. He told everyone that they were welcome to stay for the remainder of the meeting but the Board will go into Executive Session to discuss delinquent dues.

Upon a motion by Geoff and seconded by John, the minutes of the June Board meeting were unanimously approved.

Officer and Committee Reports:

Jack Rushing, Chairperson of the Lake Committee was present.

Administrators' Report:

Dues Update: As of July 1, fifteen residents had not paid the second installment of their 2004 HOA fees. Late letters were mailed; follow up calls will be made. The decision on turn-over of late accounts to the association attorney will be made at the August Board meeting.

Pool: The pool is operating smoothly. There have been several instances where the guards have not been enforcing the pool rules as stringently as they should. Jim will speak to the staff and stress the importance and necessity of enforcing our rules.

Old Business

Tennis Courts: The tennis courts are finished. The basketball court needed an additional coat of color. Jim withheld part of the final payment until the basketball court is completed.

Tree Removal at 12 Scandia Way: Geoff and Eddie met with Ms. Dyer about the tree that was removed without association permission during the construction of the addition at her home. Ms. Dyer said she did not want to remove the tree but it became necessary after a main root had to be removed prior to pouring the concrete slab for the addition. Ms. Dyer hired an arborist to evaluate the tree and their opinion was the tree was weakened and should be removed. She agreed to replant a new tree. Jim will follow with Ms. Gall, the neighbor who brought the tree removal to the Board's attention, by letter and copy Ms. Dyer.

4th of July: Jim told the Board we were ready for the annual 4th of July celebration at the pool. The Unicycle Lady was hired for the children's entertainment and a DJ was hired for the afternoon program. JB will again be grilling "to order" lunches. Additional lifeguards have been hired for the day. The pool will close at 6:00 pm on the 4th.

522 NME gate: Mr. Garland agreed to submit an ACC Application for the gate he built without ACC approval. Geoff mentioned that this is an appropriate step. If we decided to take action thru the courts to have the gate removed, the first step the judge would insist upon is that the ACC process is followed. Joe mentioned the colonial style balusters on the railing installed at 326 NME without ACC approval. Jim will write them a letter asking them to submit an ACC Application.

Front Entrance Landscaping: The landscaping has been completed at the front entrance. As soon as we receive all the invoices from Stolburg Landscaping, Helen Wolfe and Jim will submit the application for matching funds from the City of Rockville.

New Business

B. Wraga letter: re sidewalk in front of 144 NME: Mr. Wraga's letter brought to the Board's attention a drainage problem with the sidewalk in front of 144 NME. Jim told the Board this area is to be repaired this year when we contract for concrete and asphalt work. The Board instructed Jim to send a note to Mr. Wraga letting him know that we intend to repair the sidewalk and drainage problems.

Gary Baker letter and Diaper Policy review: After the discussion earlier in the meeting, Steve said our first step should be to contact the Rockville Human Rights Commission. We need to get an opinion from them to see if our current pool regulations are discriminatory in any way. Steve asked if any Board member would like to make a motion to change the current diaper policy. No one made a motion to change the current diaper policy. We should also ask the HRC if NMC is considered a private or public facility and on health and safety issues do we have the discretion to set our own standards. Steve said if our policy is found to be discriminatory or illegal in any, we will fix it.

Miscellaneous:

For Sale Signs: One resident had a "For Sale" sign at the intersection of NME and Maryland Avenue and the entrance of the 100 block of NME for a couple of weeks. There were several inquires concerning NMC's sign policy. Our covenants address the size of the sign and state it can be placed on the individual property. It does not cover signs on common property. There has been an unwritten rule that real estate signs can be placed on NMC and common property on the weekend when there is an open house. The signs must be removed after the open house. We will see if there are any City regulations that govern real estate signs on public streets.

Duckweed in the lake: Jim told the Board he received a proposal from Environment Quality Resources (EQR) to treat the duckweed in the lake. The cost was \$1,530 per application. Jack Rushing mentioned he had seen a product in a trade publication that was significantly less costly. Jack will send Jim the information on the product. Jim will research and also solicit bids from another pond maintenance company.

The meeting was adjourned at 9:10 pm upon a motion by Dorie and seconded by Joe.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, August 5, 2004.

ATTENDEES: Geoff Becker, Dorie Mangan, Steve Snapp, Joe Jordan, John Brown, Gary Baker, Eddie Alexander, Alejandro Gonzales, Alisa Schams and Jim Denny.

President Eddie Alexander called the meeting to order at 7:35 pm.

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

Officer and Committee Reports:

There were not any committee members present.

Prior to the Administrator's Report Geoff made a statement to the community residents present that the Board has not reached a decision concerning the proposed changes to the swimming pool rules and regulations. We were waiting for more information from the Association's attorney.

Eddie wanted to commend the NMC Swim Team for their win at the Divisional Swim Meet. While the swim team lost every meet during the regular season, at the Divisional meet our individual swimmers performed great!

There was a discussion about how to acknowledge the many volunteers in NMC. The Board would like to find a way to show their appreciation for all the hours our volunteers spend on community issues. A suggestion was a plaque and a letter to be awarded at the annual meeting. A nomination process would be developed and be open to the community at large.

Administrators' Report:

Pool: The pool is operating smoothly. There were two rescues performed at the pool during July. In both cases, a parent was at the pool but not paying attention to the child in the water. The guard noticed the children struggling and went into the water to get them to safety. John Brown asked that the broken basketball game be replaced. Jim mentioned he had found a replacement in the internet for approximately \$680. Dorie asked if a second goal could be purchased for the deep end of the pool. After discussion, the second goal proposal was dropped. Upon a motion by Geoff and seconded by John, the Board authorized Jim to spend up to \$750 for a new basketball goal for the pool. The motion passed unanimously.

Old Business

Lake Treatment: The lake was treated with an aquatic weed killer that would eliminate the duckweed but was not harm the fish in the lake. The results were noticed within 3 days and almost all of the duckweed was gone within 7 days. Jim will continue to monitor the lake for signs that the duckweed is returning.

Diaper Policy: Betty Hileman, the Association's attorney, sent a draft of proposed changes to the Pool Rules and Regulations. The changes were made to make the rules age neutral vs. denying access to the main pool based on age. After discussion, more questions were raised that Jim will forward to Betty Hileman. Eddie and Joe volunteered to meet with Betty to discuss the proposed changes, explore alternatives and report back to the entire Board before the next scheduled meeting.

New Business

Tree Removal: Alisa Schams was present to discuss the removal of two trees near her home. Ms. Schams hired a professional arborist to evaluate the condition of the two trees: a large maple in her back yard and a community owned cherry tree in the front yard. The Arborist stated that the trees were not in good health and should be removed. Upon a motion by Geoff and seconded by Joe, the Board approved Ms. Schams request to remove the maple tree and instructed Jim to get an estimate for removal of the cherry tree. The motion was approved unanimously.

Rockville Human Rights Commission letter: After discussion, the Board agreed that we talk to our attorney and the City's Human Rights administrator to clarify the mediation process and find out if our attorney is allowed to participate. Jim will also let the Janet Kelly at the Rockville Human Rights Commission know how we are proceeding.

Property Enhancement Report: Jim gave the Board a copy of the report Richard Berman prepared after walking through the community. Jim told the Board he will analyze and categorize the list. He will then get bids to have the work completed. Richard also had reports on 59 homes in the community that needed maintenance work. Jim will send letters to these homes. The Board instructed Jim to thank Richard Berman for all his work.

Officers & Directors Insurance: Jim told the Board the O&D Insurance quote for the coming year increased by 10% to \$2,195. After discussion, Steve made a motion, seconded by Joe that we accept the rate quoted for our O&D insurance. The motion passed unanimously.

Tree Committee: Jim told the Board the newly formed Tree Committee had their first meeting on July 27th. Geoff Becker attended as the Board representative. He gave the committee an overview of what the Board felt should be the committees' initial focus.

Concrete Repair: Jim gave the Board a list of areas in the community that need concrete repair and asphalt seal coating. He has solicited three contactors for bids and they should be available by the September Board meeting.

Possible Privacy Violation: Jim received several calls from several residents about a mailing they received announcing the opening of a new dental office by an NMC resident.

Miscellaneous

Dues Update: As of August 5, five residents had not paid the second installment of their 2004 HOA fees. Late letters were mailed; follow up calls will be made. Jim will continue to follow up.

Joe had a couple of items for discussion. He wanted to know the status of the gate at 522 NME and the status of the railing at 326 NME. Jim said he will write letters to both residences about their ACC violations.

Joe also thought it was a good idea to post the agenda for the coming Board meeting on the website.

Dorie asked if there were plans to air condition the clubhouse. Jim said not at this time. Steve has a neighbor in the HVAC business that has offered to evaluate the clubhouse for a/c installation. Jim and Steve will follow up.

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

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, September 2, 2004.

ATTENDEES: Geoff Becker, Dorie Mangan, Joe Jordan, Eddie Alexander, Jeff Grandin, Anne Cobb, Nancy Wood, Billie Jordan, Diane Rundell and Jim Denny. Telly Whitfield, City of Rockville Neighborhood Resources Coordinator arrived at 8:00 p.m.

President Eddie Alexander called the meeting to order at 7:35 p.m.

Community Forum

There were four residents present for community forum. Nancy Wood shared several observations she made this year while using the pool. The clubhouse bathrooms and shower rooms have been clean and well maintained. The guards are not consistent in enforcing the pool rules and regulations. The guards need to verify admission against the register. There are kids in the lap lanes, and the adult swim period is not called consistently. There should be a guard orientation before the pool opens next year.

Billie Jordan suggested that we reinstitute a pool committee with a Board member as a liaison.

Anne Cobb brought several diaper samples for the Board's review. She told the Board there has been a great improvement in diaper technology in the last several years. Diapers are more absorbent and better fitting, reducing the likelihood of leakage. She also suggested we could sell "swim type" diapers at the pool. The guards need to be able to recognize the appearance of a swim diaper vs. a regular diaper. She also mentioned we could make the baby pool area more attractive by enlarging the area and adding additional shade screening.

Eddie thanked all the speakers.

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

Officer and Committee Reports:

There were not any committee members present.

There was a special Board of Director's meeting held Thursday, August 26, 2004, at the clubhouse. The attendees were Eddie Alexander, Joe Jordan, Geoff Becker, Steve Snapp, Dorie Mangan, Jeff Grandin, Betty Hileman, and Jim Denny. The topic of discussion was the proposed changes to the NMC Pool Rules and Regulations diaper policy. Betty Hileman is the Association's attorney. After discussion, Jeff made a motion that NMC adopt the diaper policy currently in place in Rockville and Montgomery County Swim Centers. The new NMC diaper policy will be:

“Anyone not toilet trained (incontinent) who wishes to enter any pool must wear a clean diaper covered by separate rubber/vinyl pants, all of which must fit snugly around the legs and waist. If the diaper becomes soiled, this person must leave the pool immediately, and may not return until he/she has taken or been given a soap shower and has been recovered by a new diaper with clean rubber/vinyl pants.”

Steve seconded the motion, which was unanimously approved.

Administrators' Report:

Dues: The Association received a check from a resident who was several years in arrears, clearing out the largest outstanding account. There are still two residents that have not paid the second installment of their 2004 association dues.

Pool: Joe said he was not surprised by comments made earlier in the meeting about the pool. He believes we need to get pool management more involved with day-to-day operation and make sure the pool staff clearly understand NMC's expectations.

Old Business

Lake: Jim mentioned the resident geese are back in force. He observed over 50 in the water recently. While the geese have returned, the sidewalks around the lake remain relatively clear of geese droppings. We have allowed the weeds to grow along the edge of the lake as a deterrent. The geese do not like to walk thru the tall growth because it is an area that can hide a predator.

Jim told the Board he plans on having an estimate for dredging the lake by the next Board meeting.

New Business

Concrete and asphalt repair: Jim told the Board we have received three proposals for work in the 100, 200, 300 and 800 block of NME along with the clubhouse parking lot. The bids ranged from \$42,237 to \$90,050. Jim will analyze the bids, clarify some issues with the contractors and make his recommendation to the Board during the coming month. Eddie mentioned a drainage issue along his row of townhouses.

Miscellaneous

Jeff mentioned the Rockville Police Department is continuing to use the NMC entrance as a staging area for a radar trap to catch people speeding on Maryland Avenue. He asked Telly to reiterate to the police, that when they stop a violator and have them pull into NMC to issue the ticket, they should not stop next to the island. The police should have violators move further down the Esplanade so they do not present a dangerous situation to people entering the community. Telly said he would mention this to the police department.

Geoff mentioned we should think about forming a pool committee at the next meeting and also review the community's parking rules and regulations.

Jim mentioned he will be having two automobiles towed for violating the community's parking regulations. In both cases, Jim has spoken to the owners and they have not removed the vehicles.

Telly Whitfield had several items he wanted to mention to the Board. There is still space in the coming session of Rockville University. He handed out some brochures that Jim will post at the pool. There is a conference scheduled September 23 for the Alliance of Rockville Neighborhood Association's. There will be displays covering the future developments in all areas of the City.

He mentioned that the City's Matching Grant program will become active again on October 1. There had been a moratorium in the program that ended on September 30th.

The meeting was adjourned at 8:25 pm upon a motion by Geoff and seconded by Jeff.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, October 7, 2004.

ATTENDEES: Geoff Becker, Joe Jordan, Eddie Alexander, Jeff Grandin, Steve Snapp, John Brown, Geoff Becker, Laura Pierron, Richard Berman and Jim Denny.

President Eddie Alexander called the meeting to order at 7:30 p.m.

Community Forum

Richard Berman was present for Community Forum and also as chairman of the Property Enhancement Committee. Richard wanted to know if the Board had taken a position on Question C in the coming election, dealing with the elimination of the at-large seat on the county council. Eddie said the Board has not taken a position.

Richard wanted to discuss in detail some of the items on the Property Enhancement survey conducted earlier this summer. He wanted permission to act as the Board's representative in dealing with the fire department, cable company, and the telephone company, in urging them to clean up, paint, repair or replace their fixtures in the community. He believes that a concerted effort on a number of the small maintenance issues on the list will make a marked improvement in the overall appearance of the community. The Board approved Richard's request to act on the community's behalf and thanked him for his efforts on the Property Enhancement committee.

Geoff suggested that the Board schedule a community walk-through. After discussion, Saturday, October 16th at 9:00 a.m. was selected as the walk-through day to identify areas of concern and then develop a plan for an early spring clean up. A community-wide clean up effort, publicized in advance through the newsletter, would be beneficial to NMC.

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

Officer and Committee Reports:

Laura Pierron was present as the chairwoman of the Tree Committee. She told the Board the committee as held two meetings. The Tree Committee is developing a form for the community to use to request the removal of a tree. They are trying to develop the criteria for the removal of trees. They are also considering adding softwood trees to the Association's documents as a protected species. They hope to have a presentation ready for the January 2005 Board meeting.

Laura told the Board that she, Jim Denny, and Paul Giguere met with Tom Bonifant, owner of Bonifant's Tree Service, on September 25th. They walked the community and identified trees needing attention. Jim asked Mr. Bonifant to prepare an estimate for the identified trees and also prepare a proposal for maintenance pruning of the trees in the 800 block of New Mark Esplanade.

Jim gave the Board a proposal from Bonifant's Tree Service. Section I, for \$4,150, was for the areas identified in the walk through that needed attention. Section II, for \$5,450, was for the maintenance pruning in the 800 block of New Mark Esplanade. The Section II price was discounted 10% if the work could be performed during the winter. After discussion, Geoff made a motion that we accept items I & II of the Bonifant proposal for a total of \$9,600. Joe seconded the motion, which passed unanimously.

Administrators' Report:

Dues: One resident has not paid the second installment of their 2004 association dues. The account has been turned over to our attorney for collection.

Pool: Jim gave the Board an email and a letter from Nancy Wood and Diane Rundell addressed to Joe and Eddie. The letter was a collection of Nancy's and Diane's observations that identified problems and areas of concern, while also suggesting improvements for the coming pool season. Eddie said it was a good letter and reinforced the opinion that we need a Pool Committee to act as a liaison between the community and our pool management company. Nancy Wood, Diane Rundell, John Brown, Dorie Mangan, Eddie Alexander and Billie Jordan were mentioned as potential members of the Pool Committee. Geoff made a motion that a Pool Committee be formed and that John Brown be the Board representative to the Pool Committee. Steve seconded the motion, which was unanimously approved. Jim will edit and send a copy of the Wood/Rundell letter to Continental Pools.

Joe mentioned the Association documents specify that a Board member be assigned to each committee. Joe volunteered to act as the liaison to the Architectural Control Committee and the Lake Committee.

Old Business

Lake: Jim met with Chris Choppin, Project Manager with Environmental Quality Resources Inc. (EQR) on September 15th. Chris was preparing an estimate for dredging the lake, dam maintenance and shoreline stabilization. Chris was still waiting for bids for the disposal of the spoil taken from the lake. As soon as he receives the quotes he will forward the estimate. Steve mentioned that when the lake was being dredged it would probably be a good time to pressure wash and inspect the concrete wall along the 100 block of New Mark Esplanade.

New Business

Concrete and asphalt repair: Jim told the Board that Dominion Paving & Sealing will perform concrete and asphalt repairs in the community. The tentative start date is October 18th. Jim thanked the Board for replying to his request for an electronic (email) approval of the Dominion estimate.

Tree Removal & Replacement at 308-312 NME: Jim gave the Board an email from Arnold Rubin along with a letter from Mulheron Tree Experts. Arnold and his neighbor, Jean Jones, were asking the Board's permission to remove three (3) Bradford Pear trees and replace them with Crape Myrtle at their expense. After discussion, Eddie made a motion that the Board approve Mr. Rubin's proposal. Geoff seconded the motion, which passed unanimously.

Tree and sidewalk at 290 NME: The roots of a large silver maple tree at 290 NME have caused the sidewalk to heave creating a tripping hazard at 290 and 292 NME. It has also created a tripping hazard on community owned sidewalk in front of 290 and 292 NME. The owner of 290 NME was notified of the hazard during the Property Enhancement inspection. Jim will follow with the owner of 290 NME about having the tree and the roots removed and area re-graded. New sidewalks will also have to be installed.

Architectural Control Committee (ACC): Joe asked if it was possible to change the current ACC Guidelines. Geoff said the ACC Guidelines could be changed by the Board but the restrictions in the Association's documents could only be changed by a community vote. Joe felt there should be time lines established for follow-up of ACC violations or exceptions. He would like to get the ACC to participate in revising the guidelines and volunteered to meet with the committee. Joe also wanted to know if the Board member representative to the various committees can cast a vote when deciding an issue.

NMC website: Joe mentioned that the NMC website is in bad shape. He feels it is time to either repair or eliminate the website entirely. We should get an estimate for the repair and on-going maintenance of the site. Steve mentioned that websites are primarily two parts, one static that contains forms, historical data and general information. The other part is dynamic and is always changing. The dynamic section is always a challenge to keep current. Even if we hire a company to update the site, we need to provide the current data on a timely basis.

Miscellaneous:

Eddie mentioned the Board should have a primary and an alternate representative to attend the Alliance of Rockville Neighborhood Alliance meetings and other City sponsored meetings.

Jim told the Board that the legal bills associated with the review and changes to the diaper policy were \$1,882.50.

Jim told the Board he had a demo of Quick Books Pro at Monte Loeb's office. Jim will also test another HOA accounting package from Tops Software.

The meeting was adjourned at 9:10 pm upon a motion by Joe and seconded by John.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, November 4, 2004.

ATTENDEES: Geoff Becker, Joe Jordan, Jeff Grandin, Steve Snapp, John Brown, Geoff Becker, Laura Pierron, Alex Manolatos, Sally Guardia, Vadim Finkov, Stewart McKenzie, Dorie Mangan, Rick Penn, Chris Choppin, Project Engineer with Environmental Quality Resources, Inc. (EQR) and Jim Denny.

Vice-president Steve Snapp called the meeting to order at 7:30 p.m.

Community Forum

Alex Manolatos was present for Community Forum. She had some concerns with the recent sidewalk repair in front of her home. The new sidewalk does not appear to have the proper slope required to drain water to the grassy area between the sidewalk and the parking lot. In addition, when the slope of the sidewalk changed, the configuration of the steps was changed. The first step going down to her home now has a rise of around nine inches. The water meter access covers were also covered with cement, making them impossible to open. Jim said he would review the work with the contractor and make the necessary repairs.

Rick Penn was present for Community Forum. He installed new siding on his home this past summer and was now ready to paint. He wanted to know if the community had a specific palate of colors to choose from or could he make his own selection. Steve said New Mark Commons (NMC) does not have a specific color chart. You can pick your own color but it must be submitted to and be approved by the Architectural Control Committee (ACC).

Upon a motion by Geoff and seconded by Dorie, the minutes of the October Board meeting, with the change noted by Steve, were unanimously approved.

Officer and Committee Reports:

Geoff Becker told the Board that he, Eddie Alexander and Richard Berman walked through the community and looked at the NMC-owned areas Richard Berman identified that were in need of attention. He suggests that NMC contract out the painting required and a community-wide clean-up be planned and advertised for the coming spring.

In his absence Eddie asked Jim to request that a board member be available to attend the November 10th City of Rockville meeting. That meeting will establishing a steering committee to address the traffic issued raised by the town center redevelopment. Eddie feels it is very important for NMC to be represented at this and future meetings. John Brown offered to attend the meeting with Eddie. Jim will let John know time and location.

Stewart McKenzie, a NMC resident and a landscape architect by profession, was present to discuss the coming lake dredging. He had two areas of interest he would like to present to the Board; the lake bank where it meets the water and the concrete wall under 100 to 182 New Mark Esplanade (NME). He proposed the Board consider creating a marsh fringe around the edge of the lake where the grass meets the waters edge. He also proposed the concrete wall be stained to soften the stark appearance of the wall and hide some of the more pronounced discoloration caused by draining water. Stewart passed out computer generated digital pictures of the 100-182 NME homes facing the lake with a progression of darkening the concrete wall from the current gray color to a darker brown. He also gave the board a hand-out that showed the projected marsh fringe around part of the lake.

He said the development of the marsh fringe could occur when the lake was being dredged. A portion or all of the spoil from the silted up areas of the lake could be used to create the marsh fringe. The spoil would be placed behind a sunken retaining structure of biologs (hollow logs, 12-18" in diameter made of coconut husk). The area could then be planted with aquatic vegetation. The fact that the spoil would not have to be removed from NMC should significantly reduce to cost of dredging the lake.

Chris Choppin, EQR Project Manager, presented the Board with a revised proposal for dredging the lake. There were three dredging alternatives in the proposal: Alternative 1 would require all spoils (approximately 1,500 cubic yards) be removed to a permitted disposal site. The price for Alternative 1 is \$234,000. Alternative 2 would create a marsh fringe around part of the lake using approximately one half (750 cubic yards) of the dredged spoils to create the marsh fringe. The price for Alternative 2 is \$211,000. Alternative 3 would use all the dredged material to create the marsh fringe. None of the dredged material would have to be hauled off site. The price for Alternative 3 is \$140,000. The Board asked Chris when the dredging could occur. He said it depends on the time required to obtain permits. Maryland Department of the Environment does not permit dredging type activity between March and June on in-stream ponds. Occasionally variances are granted for work during the closure period but that depends on when the permits are received. Chris will research the amount of time it takes to obtain permits and report back to Jim. Several Board members and Sally Guardia expressed a desire to see an example of a pond or a lake with a marsh fringe. Chris will find a location that we can see. Stewart McKenzie said the new Native American Museum has a very nice example of a marsh fringe around the pond at their location. After discussion, Geoff made a motion that the Board further explore the marsh fringe proposal and concrete wall staining. Joe seconded the motion, which was unanimously approved.

Laura Pierron, Chairperson of the Tree Committee was present to discuss Vadim Finkov's proposal to remove 7 hardwood trees from his property at 4 Don Mills Court. Mr. Finkov was present and stated he felt the trees presented a threat to his home and would like to remove them. He gave the Board estimates from two tree companies. The Board thanked Mr. Finkov for following the Association's Covenants by requesting their approval before removal of the trees. The Board said they will look at the trees and Jim will get back to him.

Administrators' Report:

Dues: One resident has not paid the second installment of their 2004 association dues and two other residents have old outstanding balances. One account has been turned over to our attorneys for collection and Jim will turn over the other accounts.

Vandalism & graffiti: Jim told the Board that 15 plants were stolen from the front island over a weekend in October. In addition, over a two week period in October graffiti appeared through out NMC. Light globes, electric boxes, the clubhouse, street sign and the maintenance garage were all objects of graffiti. Theft and vandalism reports were filed with the Rockville Police Department. The police also took pictures of the graffiti and turned it over to their anti-gang investigators.

Old Business

ACC: Jim is following on two outstanding ACC violations.

Website: Jim gave the Board a handout from Association Voice, a company that specializes in hosting and assisting HOAs in developing websites. There is a monthly subscription fee of \$150. for an association of New Mark's size. After discussion, the Board directed Jim to get a proposal for a one-time clean up of our existing site, re-establishing links and additional training on updating our website. John said he knew a good website developer and would give Jim her number.

New Business

2005 Budget: Jim gave the Board the 2005 proposed budget. The proposed dues increase is based on the Consumer Price Index (CPI) for the Washington/Baltimore area for the period of September 2003 to September 2004. The CPI increase for that period was 3.1 percent. There was discussion on applying the entire 3.1 percent increase to the non-resident pool membership fees. A 3.1 percent increase would raise the non-membership rate to \$429. Non-resident memberships generated \$7,844. in 2004. It was discussed that an increase to \$429. could decrease the number of memberships. After discussion, Geoff motioned that the non-resident membership be raised to \$420. Dorie seconded the motion that was approved by a vote of 4 to 2. There was further discussion as to the necessity of raising the dues the full 3.1% as allowed by our governing documents. Steve said the Board has taken a conservative spending policy. He also mentioned that our Reserve Analysis noted areas for repair/renovation that will come from our reserve fund. The lake dredging scheduled for 2005 will also be a significant reduction of the reserve fund. Geoff stated that it is prudent to build our reserves while we can. Geoff made motions to reduce funding for the pool and to eliminate the entertainment budget as a way to limit this year's CPI increase, but there was no second to either motion. After further discussion, the Board gave their preliminary approval to the 2005 budget. The 2005 budget will be published in the November/December 2004 NMC Newsletter asking the community for their input. The budget will be further discussed at the December 2005 Board meeting.

Danny Sivert Proposal: We received a proposal from Danny Sivert for snow removal for the winter of 2004/2005. There was no price increase from the 2003 contract.

The meeting was adjourned at 10:00 pm upon a motion by John and seconded by Dorie.

NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, December 2, 2004.

ATTENDEES: Geoff Becker, Joe Jordan, Jeff Grandin, Eddie Alexander, Vadim Finkov, Stewart McKenzie, Ricki McKenzie and Jim Denny.

President Eddie Alexander called the meeting to order at 7:30 p.m.

Community Forum

Mr. Vadim Finkov, 4 Don Mills Court, was present for Community Forum. He had faxed a letter to the Board earlier in the day stating again his request to remove seven trees immediately adjacent to his home. He said on December 1st a falling limb had damaged his new car. He mentioned his neighbor at 8 Don Mills Court also had a large tree fall and damage part of their home on December 1st. He said he understood his earlier request was still being considered but asked the Board to please let him know their decision as soon as possible. Eddie and Joe asked if he was aware of the trees and the possibility of damage comes with living in a treed community when he purchased the home. Mr. Vadim said he knew there were a large number of trees on the lot but was unaware of the potential damage and the large amount of debris that fell from the trees. Joe mentioned there are certain risks associated with living in a treed community like NMC. The Board told Mr. Finkov they would discuss his request later in the meeting and let him know their decision tomorrow, December 3rd.

Stewart McKenzie, a NMC resident and landscape architect, gave the Board an updated lake dredging proposal. He proposes using spoils taken from the lake dredging to create a waters edge planting around the lake shore. He performed some preliminary volumetric calculations and concluded that when dredging, most of the spoil excavated could be used on-site to create the water edge planting areas. If we do not have to truck spoil off-site, it will significantly reduce the cost of the dredging project. He presented a color palate of possible stains that could be used on the concrete lake wall. He believes the darker brown stain would be the most attractive, provide the best coverage and hide some of the more pronounced discoloration caused by water runoff. Stewart also presented a proposal from his company, Environmental Design Associates (EDA), to act as a general contractors and on-site project manager for the dredging project. The Board thanked Stewart for all his work and told him they would discuss his proposal later in the meeting.

Upon a motion by Jeff and seconded by Joe, the minutes of the November Board meeting, with the change noted by Joe and Geoff, were unanimously approved.

Officer and Committee Reports:

Eddie and John attended a meeting with the City of Rockville's Transportation staff. The meeting was held to form a steering committee for Town Center traffic calming. The city created four geographic areas and invited representatives to voice their area's concerns. Eddie said the City's staff presented a rather generic proposal with no specifics and then asked the attendee's for their approval. Eddie told the staff that he would not approve a generic plan. He said he would like to hear the concerns and proposals from the other areas of the city. Eddie heard there was a proposal to widen Maryland

Avenue and said he would call Larry Marcus to see if widening Maryland Avenue was in the city plan. Geoff questioned if it was possible for NMC to obtain Historic Preservation designation that could help protect the community from unwanted changes. Jim will check with Eileen McGuckian of Peerless Rockville. Joe also volunteered to attend future traffic calming meetings.

Administrators' Report:

Website: Jim told the Board he hired a contractor to clean up the NMC Website. NMC lost our website server unexpectedly last year and had to move to the City of Rockville's server. During the transition, we lost some links to various sections of the site. The contractor was able to re-establish the links for under \$150. Joe asked if we should make some enhancements to the site. He suggested a survey to see what the community would like on the website and in the newsletter. Joe also suggested installing a counter on the website to measure the number hits. Joe and Geoff volunteered to write a survey/article for the January newsletter.

Danny Sivert: Jim told the Board that Danny Sivert, our long time snow removal contractor, was killed in an automobile accident on November 18th. Danny lost his wife in an auto accident in 2002. He is survived by three children, 19, 13 and 11 years old. Jim met with Danny's oldest son, Alex, who will continue to run the family business. They reviewed NMCs' snow removal requirements for the coming winter.

At 8:45 p.m. the Board went into Executive Session and asked Jim to leave the room. Jim was called back to the meeting at 9:15 p.m.

Old Business

Lake Dredging: The Board discussed the proposal received from Stewart McKenzie's company, Environmental Design Associates (EDA). The proposal for \$10,500 covered design, promotion, detail drawings, permit application support and on-site management during the dredging. Geoff asked if the proposal we received from Environmental Quality Resources (EQR) and Environmental Design Associates had overlapping areas of responsibility. The Board reviewed the proposal received from EQR at the last Board meeting. They instructed Jim to verify the prices quoted by EQR were still valid. The Board recognized the designs presented by Stewart McKenzie represent a significant time commitment, professional knowledge and should be compensated. The Board felt participation beyond the design and promotion could be on an as-needed basis. Geoff made a motion that authorized Eddie and Jim to meet with Stewart McKenzie and negotiate a payment for the design work completed to-date and a presentation to the community as required at a later date, not to exceed \$4,300. Joe seconded the motion which passed unanimously.

290 NME tree removal: Jim gave the Board correspondence received from the owner of 290 NME. The roots of a large maple tree in the front yard of 290 NME have lifted and cracked the sidewalk leading to 290 and 292 NME along with NMC owned common walk creating a hazardous situation. The owner said they would remove the tree and requested that NMC assist in the concrete repair. The Board instructed Jim to get bids for the concrete replacement.

4 Don Mills Circle tree removal: The Board discussed Mr. Finkov's request to remove the trees adjacent to his home. After discussion, Geoff made a motion that the board approve Mr. Finkov's request to remove seven trees from his property contingent on his agreement to plant seven ornamental trees to replace the trees he removed. Jeff seconded the proposal which passed unanimously.

David Schwartzman petition: David Schwartzman presented a letter and a petition signed by sixteen residents asking the Board to extend the parking space curb marks at least 3 feet into the parking lot. After discussion, the Board decided to keep the current parking space configuration.

Stolburg Landscape proposal: Jim solicited a proposal from Stolburg Landscaping to clear vines, undergrowth and dead falls from community owned property along NME across from the lake. A couple of residents whose property adjoins this parcel have requested this area be cleaned up. This area has not had any maintenance for years. After discussion, Joe made a motion to accept the Stolburg proposal for \$1,800. Jeff seconded the motion which was passed unanimously.

2005 Budget: After discussion, Jeff made a motion to approved the 2005 proposed budget as presented. Geoff seconded the motion which passed by a vote of 3 to 1.

Miscellaneous:

Jeff told the board he had received several complaints of speeding on NME. He asked that a reminder is placed in the newsletter asking resident to obey the posted speed limit.

Joe asked what the current status of the two outstanding Architectural Control violations. Jim said he had to needed to follow up with the residents.

The meeting was adjourned at 10:40 pm upon a motion by Joe and seconded by Geoff.