

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JANUARY 4, 2007**

ATTENDEES: John Brown, Margaret Chao, Joe Jordan, Lori Nicely, Ernie Culman, Alex Manolatos, Maria Broadbent and Jim Denny.

Board members not in attendance: Dunja Baker

Community Forum: Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. There will be a public hearing on the new proposed refuse and recycling system on February 20, 2007 at City Hall, 7:00 pm. Maria urged any one with concerns or questions to attend the hearing. Joe said we should mention the public hearing in the next NMC Newsletter. The City is installing 10 speed enforcement cameras in the City. The City's Board of Appeals approved the 50' cell phone mono pole on the Julius West Middle School ground. Cingular Wireless must now go thru the Montgomery County School System approval process. This year the Martin Luther King, Jr birthday celebration will be held at Rockville High School.

Upon a motion by Joe and seconded by Lori, the minutes of the December 2006 Board meeting were approved.

Officer and Committee Reports

Lori Nicely had several proposals to present to the Board. They were for a new tennis court fence, new basketball court fence, new pool fence and new exterior windows for the clubhouse. Lori had received estimates from three contractors for the tennis court fence, basketball court fence and clubhouse windows. She had not received estimates for the pool fence. After discussion, John made a motion that the Board approve the proposal from Long Fence, not to exceed \$19,000. Margaret seconded the motion which was approved unanimously.

Lori received three estimates to replace the clubhouse windows. After discussion, Alex made a motion that the Board approve the proposal from Renewal by Andersen, not to exceed \$25,500. Ernie seconded the motion which was approved unanimously.

Administrators Report

2007 Dues Invoices: Jim told the Board the first installment of the 2007 HOA dues invoices were mailed on January 1st.

2006 Audit: Monte Loeb, CPA, will start the 2006 audit on January 16th.

2007 Budget: Jim gave the Board the final 2007 Budget as approved at the December Board meeting. We are still expecting a budget surplus for 2006. There is \$3,937 greater income than expected and expenses are \$7,845 less than expected. The total projected surplus is projected to be \$11,818.

Old Business

NMC street tree replacement: Margaret gave the Board an update of the December meeting with Rob Orndorff, the City of Rockville's Horticulturalist. NMC was represented by Linda Huntington, Helen Wolfe, Sally Guardia, Mary Lee, Margaret Chao and Jim Denny. At the meeting, several species were suggested as possible replacement for the 30 Bradford Pear trees that will be removed this winter. They were the Yoshino Cherry, Tree Lilac and Royal White Redbud. Sally Guardia spoke with a former colleague who suggested the Serviceberry may be suitable. The group is reviewing the selections and as of the Board meeting they were favoring the Serviceberry or the Royal White Redbud.

New Business

Clubhouse air conditioning proposal: Jim presented a proposal for installing a supplemental air conditioning system in the upper level of the clubhouse. Jim met with a commercial A/C contractor, Precision HVAC. They recommended installing a new a/c unit that would provide a/c for only the upper level of the clubhouse. Integrating a/c into the existing HVAC system is not feasible. They also suggested a preventative maintenance service and evaluation be performed on the current furnace and hot water heater. We will solicit additional proposals.

Landscape/drainage proposals: There were two proposals for landscaping and surface water runoff received from Stolburg Landscaping and Kuiper's Landscaping and Waterproofing. They were for the area behind 326 to 334 NME and in the rear of 518 to 522 NME. Joe suggested walking both locations to review first hand the different solutions proposed by the two contractors.

Annual meeting date: Two dates were proposed for the annual meeting, March 13th or March 20th. Jim will send a note after the meeting and Board members will check their calendars to see which date is acceptable to a majority of the members. Jim asked if anyone had suggestions for a guest speaker. The terms of two Board members, John Brown and Lori Nicely, expire this year

Additional items:

Jim told the Board that Dunja Baker's mother died in late December. Dunja is in Germany with her family and will return in January or February.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 1, 2007**

ATTENDEES: Margaret Chao, Joe Jordan, Ernie Culman, Dunja Baker, Alex Manolatos, Maria Broadbent and Jim Denny.

Board members not in attendance: Lori Nicely and John Brown.

Community Forum: Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. Maria distributed handouts that outlined the proposed changes in the refuse and recycle collection process. There will be a public hearing on the new proposed refuse and recycling system on February 20, 2007 at City Hall, 7:00 pm. Maria urged any one with concerns or questions to attend the hearing. She mentioned several retailers in Town Center plan on opening March 1st.

Upon a motion by Alex and seconded by Ernie, the minutes of the January 2007 Board meeting were approved with the changes noted.

Officer and Committee Reports

There were not any officer or committee reports.

Administrators Report

2007 Dues Invoices: Jim told the Board the first installment of the 2007 HOA fees were due on February 1st. As of January 31st, 106 residents had not paid their dues. Late letters will be mailed after February 15th.

Jim informed the board that he deposited the 2007 reserve fund contribution of \$63,228 in the Smith Barney account. The funds will be invested in an FDIC insured certificate of deposit.

Ernie agreed to be the Board representative to perform the monthly review of the NMC operating fund bank account, money market account and reserve fund.

2006 Audit: The first meeting with Monte Loeb, CPA, was January 16th. The second audit meeting is scheduled for February 13th.

Game Day: Family Game Day is scheduled for Sunday, February 11th at the clubhouse from 2:00 to 4:00 p.m.

Old Business

NMC street tree replacement: The Royal White Redbud was selected as the tree to replace the Bradford Pear trees that are going to be removed by the City. The City's contractor plans to start removing the trees February 12th, weather permitting. The Board expressed an interest in planting flowering cherry trees along the lake bank when replacement of the river birch trees becomes necessary.

Ernie asked if the bushes that died last summer near the retaining wall across from 100 New Mark Esplanade will be replaced. Jim said Stolburg Landscaping has agreed to replace the bushes under warranty.

Annual meeting: The Annual meeting has been scheduled for Tuesday, March 20th at 7:30 p.m. at the clubhouse. No decision was made on a topic or a guest speaker for the meeting. Joe mentioned he would like committee chairpersons to give an update on their committees' mission and plans for the year.

Landscape/drainage proposals: There were two proposals for landscaping and surface water runoff received from Stolburg Landscaping and Kuiper's Landscaping and Waterproofing. Jim will coordinate a meeting, possibly on a Saturday in February, with all the interested parties to discuss the proposals.

Amendment to the NMC Declaration: The Association's attorney, Betty Hileman, prepared the amendment to the Declaration that requires the notarized signature of the Board president and secretary. Jim, Joe and Margaret will meet during the month to get the document notarized.

New Business

Alzheimer Walk – May 12 or May 19: The Potomac Valley Nursing and Wellness Center (PVNWC) on Potomac Valley Road is coordinating an awareness walk for the Alzheimer Association (AA). They initially wanted to use the NMC bike path as part of the walk route. The Board asked that several liability concerns be addressed by PVNWC and AA. After further review, the PVNWC decided to use the public sidewalks instead of the bike path.

Community Clean Up: Saturday March 24th has been selected for the Community Clean Up. The Clean Up will be mentioned in the coming NMC newsletters.

Additional items: Joe mentioned we should continue pursuing the improvements to the clubhouse: new front doors, foyer light fixtures and air conditioning. Jim mentioned that when the air conditioning is installed we should review the rental rate for the clubhouse during the summer months.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 1, 2007**

ATTENDEES: Margaret Chao, Joe Jordan, Ernie Culman, Dunja Baker, Alex Manolatos, Lori Nicely, Maria Broadbent and Jim Denny.

Board members not in attendance: John Brown.

Community Forum: Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. Maria mentioned Super Fresh Markets will be the grocery store in the New Town Center. There will be further discussion at the March 12th Mayor and council meeting on the City's proposed changes to the Refuse and Recycle collection system. Joe mentioned this additional meeting is in direct response to the public hearing on the proposed changes held in late February.

Upon a motion by Margaret and seconded by Dunja, the minutes of the February 2007 Board meeting were approved.

Jim gave the Board a draft copy of the Minutes of the 2006 Annual Meeting for their review and comment.

Officer and Committee Reports

Lori Nicely gave the Board an update on several on-going projects. The new windows for the clubhouse have been installed. The new tennis court fence installation is underway. The basketball fence installation has not yet started. Lori said she and Jim met to discuss the specifications for the new pool fence. She received estimates for a new pool fence from several contractors. After discussion, the Board decided an 8' steel fence was the best option. Margaret made a motion that we accept the proposal from Long Fence for an 8' high steel fence for \$29,522. Ernie seconded the motion, which passed unanimously.

Administrators Report

2007 Dues Invoices: Jim told the Board 27 residents have not paid the first installment of their HOA dues.

Snow Removal: Our snow removal contractor, Sivert Enterprises, performed well during the last two snow events. We have not yet received the snow removal bills. The last snow event broke a number of limbs out of white pine trees throughout the community.

2006 Audit: The final on-site meeting Monte Loeb, CPA, was held on February 13, 2007. We are expecting a draft of the audit results soon.

CAI Conference: Jim mentioned the annual Community Associations Institute (CAI) Conference and Expo at the Washington Convention Center on March 31, 2007 from 8:00 a.m. to 4:00 p.m. If any Board member would like to attend, please let him know.

Old Business

NMC street tree replacement: The City's contractor has cut down most of the trees that had been marked for removal. They have also started grinding the stumps. It appears the City is on target to complete the installation of the new trees by May 15th.

Continental Pools contract: Jim and Margaret met with Matt Helfrich, Regional Manager for Continental Pools. Continental had proposed a 5% increase over 2006 prices for 2007. Margaret and Jim were able to negotiate a 2.5% increase for 2007 and a 2.5% increase for 2008. The 2007 contract price also includes the extended pool hours during August when school is back in session. The new hours during the week will be 2:00 p.m. to 9:00 p.m. We still have the option to cancel the contract at the end of the year. Margaret made a motion that we accept the Continental Pool proposal for \$42,150. Lori seconded the motion which passed unanimously.

Clubhouse Furnace & A/C proposal: Jim told the Board the furnace blower motor had to be replaced last month. He has solicited a new proposal from Precision HVAC for a supplemental A/C unit for the upstairs room of the clubhouse. The new proposal will be for a package unit. These units are designed to sit on the exterior of the building. It should be quieter than a having a unit inside the building.

Annual meeting: The Annual meeting has been scheduled for Tuesday, March 20th at 7:30 p.m. at the clubhouse. After discussion on possible guest speakers, it was decided that Jim would call Kevin Tucker, President of Virginia Lake Management to speak on pond management. Jim mentioned we need to hear options for keeping the lake healthy this year.

Landscape/drainage proposals: The two proposals for landscaping and surface water runoff received from Stolburg Landscaping and Kuiper's Landscaping and Waterproofing are still under review.

New Business

Associated Insurance: Jim gave the Board the renewal premium for the Association's Crime Policy. This policy covers the Association and the Board from employee dishonesty, forgery, alteration, theft, disappearance and computer and wire transfer fraud. The premium is \$1,432. There was not any increase in premium over 2006. Upon a motion by Ernie and seconded by Margaret, the Board unanimously approved the proposal from Associated insurance for \$1,432.

Bonifant Tree Service proposal: Jim gave the Board a proposal for tree work in several areas of the community. The proposal was for \$4,015. It included removing several large Black Locust trees and pruning in the 100 block of NME. Additional pruning in the 200 and 500 block and in the common area along NME behind 1 Watchwater Way. After discussion, Alex made a motion that we accept the Bonifant proposal. Lori seconded the motion which passed unanimously.

Virginia Lake Management (VLM) proposals: Jim solicited two proposals from VLM. The first was for an initial algae, aquatic weed control and shoreline aquatic weed control treatment. The second proposal was for a Lake and Fountain Maintenance contract. Last year duck weed and aquatic grass were unsightly and difficult to get rid of. This spring we started treating the lake with a dark dye to prevent sunlight from penetrating the water. This stops or slows aquatic grasses from growing. We may need to be more aggressive with stronger chemicals later in the summer if these aquatic grasses and weeds return. Jim told the Board he distributed the VLM proposals to members of the Lake Committee for their review. The Board decided to table the proposal until they heard from the Lake Committee.

Additional items:

Joe mentioned an email he received from Linda Silversmith. She asked if there was a process in place for having a tree planted in memory of her husband Larry Chinnery. Helen Wolfe and the Landscape Committee will work on the process. Dunja had a picture of a new light fixture for the clubhouse entrance. Jim said he would buy one fixture and install it before the next Board meeting. If the fixture is acceptable to the Board, he will purchase eight additional fixtures for the clubhouse lobby. Lori mentioned her former community in Virginia published a calendar in celebration of their 40th anniversary. It contained pictures of the community at various stages of the first 40 years. The NMC Community Clean Up is scheduled for Saturday March 24th.

**NE W MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, APRIL 5, 2007**

ATTENDEES: Margaret Chao, Joe Jordan, Ernie Culman, Dunja Baker, Alex Manolatos, Lori Nicely, Maria Broadbent, Roger Zions, June Whaun, Rich Schmidt, Cathy Berman, Dick Berman, Ira Guzik, Lillian Rosenbaum, Karen Kullgren, Jackie O'Connell, Neil Diener, Kevin Tucker, president of Virginia Lake Management Company and Jim Denny.

Board members not in attendance: John Brown.

Community Forum: Roger Zions was present to discuss several issues. He mentioned a tall pine tree behind 810 New Mark Esplanade (NME) leaning toward the street. Jim said the tree was on private property and he had called the property management company that maintains that property. Roger also mentioned the traffic noise from I270 seemed to be louder than normal. He asked if anyone present knew of any plans to install noise barriers along I270. Jackie O'Connell and Neil Diener were present to discuss the large trampoline installed in their neighbor's yard at 9 Watchwater Way. Initially they were not opposed to the trampoline, but they are now trying to sell their home and the trampoline location is viewed as a negative. They have asked their neighbors to take down the trampoline or move it to another location while they are trying to sell their home. The neighbors have declined. They have also offered to buy the trampoline. Their neighbors also declined that offer. The residents of 9 Watchwater Way erected the trampoline without going thru the Association's Architectural Control (ACC) Process. Jim wrote the residents of 9 Watchwater Way that they are in violation of the community's covenants. They were asked to submit an ACC Application for the trampoline.

Rich Schmidt mentioned a neighbor had a small trailer in the driveway of their home. Jim said he will write them a letter informing them the trailer needs to be in the garage or parked in the clubhouse parking lot.

June Whaun was present to give the Board an ACC Application to replace the rotted railroad tie steps adjacent to her front sidewalk. Jim accepted the application and will forward it to the ACC Committee for their review. June also mentioned the drainage issues persist behind the rear of her home at 336 NME.

Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. The Potomac Valley Nursing and Wellness Center is sponsoring an Alzheimer Walk Memory Walk on May 12, 2007. Part of the walk is along the sidewalks in New Mark Commons. City staff will present the new budget to the mayor and council the week of April 15 thru the 23rd. Rockville Science Day will be held on April 29th.

Kevin Tucker, president of Virginal Lake Management (VLM) Company was present to discuss the health of our lake, water quality and treatment alternatives for invasive aquatic plants and weeds. His company is a licensed aquatic pesticide applicator in Maryland, Virginia and North Carolina. The Board wants to be proactive in maintaining the appearance of the lake. Last year the lake became weed choked and unattractive late in the summer. Approximately 25% of the lakes surface was covered in weeds or aquatic vegetation growing up from the bottom of the lake. Kevin said the lake looked good now but it was too early in the season to determine what vegetation was present. Any plants in the lake are still dormant. He mentioned this is a good time to do an initial treatment with the aquatic herbicide Sonar. There were a number of questions from the audience about product safety, number of treatments required and impact to fish and downstream tributaries. At the conclusion of Kevin's presentation, Richard and Cathy Berman had additional information to present to the Board. They had contacted Maryland Department of the Environment (MDE) and believe that a site specific permit is required to use Sonar or any other aquatic herbicide. He urged the Board to take the least invasive or toxic approach to treating the lake. The first step should be using the water dye, Aqua Shade. It prevents sunlight from reaching the bottom and retards plant growth.

Upon a motion by Ernie and seconded by Dunja, the minutes of the March 2007 Board meeting were approved.

Election of Officers

There were two residents elected to the Board of Directors at the annual meeting held on March 20, 2007. The election of new officers occurs at the first Board meeting after the annual meeting. Ernie nominated Joe for president. Margaret seconded the nomination which passed unanimously. Joe nominated Margaret for vice president. Ernie seconded the nomination which passed unanimously. Joe nominated Lori for secretary/treasurer. Margaret seconded the nomination which passed unanimously.

Officer and Committee Reports

Lori Nicely gave the Board an update on several on-going projects. The new fence around the basketball court has been installed. The installation of the pool fence will start shortly. Lori will meet with the Garden Club to talk about new plantings around the pool fence. Margaret mentioned Montgomery Community Television has offered to film New Mark's 40th Anniversary Celebration.

Administrators Report

2007 Dues Invoices: Jim told the Board 2 residents have not paid the first installment of their HOA dues.

Financial Review: Jim gave the Board an update on the financial status of the Association as of March 31, 2007. He presented the actual expenses year-to-date versus the budget and a reviewed the Association's Operating and Reserve Funds balances as March 31, 2007.

2006 Audit Recommendations: There were no areas identified during the audit this year that required attention.

CAI Conference: Jim attended the Community Associations Institute (CAI) Conference and Expo at the Washington Convention Center on March 31, 2007. He met several new vendors he will be contacting to solicit proposal for concrete and engineering work.

Old Business

NMC street tree status: The City's contractor has planted almost finished planting the new trees along NME and other side streets in the community.

Clubhouse Furnace & A/C proposal: Jim presented the Board a new proposal from Precision HVAC Inc. This proposal was for a "package unit" designed to be installed outside the building and ducted through the exterior wall. Another contractor is preparing a proposal for another type of A/C system. It should be ready by the May Board meeting.

Landscape/drainage proposals: The two proposals for landscaping and surface water runoff received from Stolburg Landscaping and Kuiper's Landscaping and Waterproofing are still under review. Jim, Joe, June Whaun and Alex will meet to discuss the various alternatives. Lori suggests we contact Betty Hileman to see if there was any liability issues associated with the drainage problems.

New Business

ACC – trampoline at 9 Watch water Way: It was brought to the Board's attention that a resident had installed a 14' in diameter, free standing trampoline in their backyard without going thru the Association's Architectural Control Committee. Jim wrote them a letter asking them to submit an ACC Application for the trampoline. They told Jim they will submit the required application.

Virginia Lake Management (VLM) proposals: Jim solicited two proposals from VLM. The first was for an initial algae, aquatic weed control and shoreline aquatic weed control treatment. The second proposal was for a Lake and Fountain Maintenance contract. The proposals will be tabled for further research and investigation.

Stolburg proposals: We received two proposals from Stolburg Landscaping. They proposed alternative solutions to control the water runoff behind the 328 to 338 NME. They will be reviewed during the on-site meeting to be held during April.

Additional items:

Lori had several items for the Boards consideration. The horse shoe pits are not used and the stake could present a hazard. She believes they should be removed. The Board agreed. We also need a new water fountain to replace the deteriorating fountain between the pool and tennis courts. She would also like to investigate the cost of cleaning and straightening the light post along the bike path and common areas.

**NE W MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 3, 2007**

ATTENDEES: Joe Jordan, Ernie Culman, Dunja Baker, Alex Manolatos, Lori Nicely, John Brown, Maria Broadbent, Debby Dyer, Richard Berman, Patricia Polster, Ellen Stein, Geri Misner and Jim Denny.

Board members not in attendance: Margaret Chao

Community Forum: Debby Dwyer, 10 Vallingby Circle, was present to appeal the Architectural Control Committees' (ACC) denial of her proposed replacement front door. Ms. Dwyer gave the Board pictures of her proposed new front door. The Board thanked her for the information and said they would discuss it later in the meeting. Jim will call her tomorrow with their decision.

Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. Maria spoke with Mark Charles, Rockville Chief of Environmental Programs about the aquatic vegetation growing in our lake. He believes a permit to apply an aquatic herbicide would be required by the Maryland Department of the Environment (MDE). The City may also require a permit. She mentioned two actions that help reduce aquatic plant growth. They are: allowing the grass to grow longer around the lake and stop fertilizing the area adjacent to the lake. She also mentioned the City having an upcoming budget work session. The water main flushing is proceeding ahead of schedule. The police department's new photo cameras are on line. Home Town Holidays will be held over the Memorial Day holiday weekend.

Upon a motion by Alex and seconded by Dunja, the minutes of the April 2007 Board meeting were approved.

Officer and Committee Reports

Dick Berman was present to discuss the Neighborhood Enhancement program. He created a list of HOA owned assets that require maintenance. Several examples are shabby wooden signs, rusting iron stair railing, clubhouse in need of paint. He believes little things make a large impression. Lori agreed to work with Richard and start an action plan to get several visible areas cleaned up.

Lori mentioned that all the fences had been installed. We are waiting for Long Fence to do some touch up. She has been working with Ellen Stein and the Garden Club to develop a landscape plan for the area around the pool.

Ellen Stein, Patricia Polster and Geri Misner from the Garden Club were present to show the Board the landscape proposal for the area surrounding the pool. Ellen and several other Garden Club members worked on the design and solicited bids from three contractors. The proposals were from Meadow Farms, American Plant Food and Stolburg Landscaping. The prices ranged from \$4,174 to \$4,812. After discussion, John made a motion that we accept the proposal for Stolburg Landscaping for \$4,174. Alex seconded the motion which passed unanimously.

Administrators Report

2007 Dues Invoices: Jim told the Board all residents have paid the first installment of their HOA dues.

Pool Status: Jim gave the Board two proposals from Continental Pools. One proposal was for Parts and Supplies for \$1,092.58. The second proposal was for repairs totaling \$2,594. Jim also gave the Board a copy of the pool rules and regulations that had been updated by the Pool Committee. After reviewing the proposed rule changes and discussing the Continental proposals, Ernie made a motion that we accept the two proposals from Continental Pool totaling \$3,686.58 and approve the updated pool rules and regulations. Dunja seconded the motion which passed unanimously. There was also discussion concerning the rental rates for the clubhouse. After the air conditioning is installed, the rental charges will have to be adjusted to cover the increased electric billing. The recent dramatic increases in natural gas and electric rates make it no longer feasible to offer the \$15 per hour rate during the week and the \$50 mid-week children's parties. Alex made a motion that we discontinue hourly clubhouse rental and afternoon rentals. Ernie seconded to motion, which passed unanimously.

40th Anniversary update: The committee selected Saturday, August 26th from 4p.m. to 6p.m. for our 40th anniversary celebration. The event will be held in the clubhouse and include hor d'ouveres, cake and ice cream. We will invite representatives from the City and Montgomery TV has offered to film and televise the celebration.

Jim – out of office 5/12 to 5/20: Jim mentioned he would be out of the country for a week. He will have the post office hold the mail. Joe offered to monitor the NMC phone during Jim's absence.

Old Business

ACC – trampoline at 9 Watch water Way: Dr. and Mrs. Klein did not attend the Board meeting to discuss the trampoline installed in their backyard. Jim will contact them to see if they still plan to appeal the ACC denial of their request to install the trampoline. The Board discussed the visual and acoustic impact of the trampoline on the neighbors and the lack of a fence around the trampoline. The unsecured trampoline presents an attractive nuisance and there could be insurance ramifications for the homeowners.

Clubhouse Furnace & A/C proposal: Jim presented the Board proposals from Precision HVAC Inc. and M.P. Energy Services to install air conditioning in the large upstairs meeting room of the clubhouse. The prices ranged from \$16,800 to \$24,600. After discussion, Ernie made a motion that we accept the proposal from M.P. Energy Systems for \$22,800. Alex seconded the proposal which passed unanimously.

Landscape/drainage proposals: We received several proposals for landscaping and surface water runoff from Stolburg Landscaping and Kuiper's Landscaping and Waterproofing. The areas are behind 518-522 NME, 334-336 NME and along the walk path from 326 NME to the storm drain culvert. After discussion, Ernie made a motion that we accept the proposal from Kuiper's Landscaping for \$3,490 for the area behind 518 to 522 NME. Dunja seconded the motion which passed unanimously. Alex made a motion that we accept the proposals from Stolburg Landscaping for the area behind 334-336 NME and along the bike path for \$8,710. Lori seconded the motion which passed unanimously.

New Business

Associated Insurance: Jim gave the Board the renewal premium for the Association's liability, workman's compensation and umbrella policies for \$20,913. This is 9% reduction over the 2006 premium. After discussion, Ernie made a motion that we accept the renewal proposal for \$20,913. Lori seconded the motion, which passed unanimously.

Sivert Enterprises proposal: We receive a proposal to repair the walking path, seal coat and install 320 linear feet of 4" to 6" asphalt curb. The new curb was an addition to help control and direct storm water runoff. After discussion, the Board decided to table the proposal.

Sunguard Mid-Atlantic proposal: We received a proposal to install a permanent 10' X 24' sun shade over the wading end of the main pool. The structure cost \$3,323.55 and installation charges were \$3,250 for a total of \$6,573.55. After discussion, the Board decided to look at other shade alternatives.

House of Doors proposal: We received a proposal to replace 7 exterior doors and all hardware in the clubhouse for \$28,550. The Board instructed Jim to solicit additional proposals.

Virginia Lake Management proposal: We received a proposal to replace the lights on the lake fountain. The proposal included new light, underwater cable, and GFCI protection control panel and timer. The proposal was for \$2,260. After discussion, Lori made a motion that we accept the proposal from Virginia Lake Management. Alex seconded the motion which passed unanimously.

**NE W MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JUNE 7, 2007**

ATTENDEES: Ernie Culman, Dunja Baker, Alex Manolatos, Lori Nicely, John Brown, Richard Berman, Diane Rundell and Jim Denny.

Board members not in attendance: Margaret Chao, Joe Jordan

Community Forum: Pavel Klein who lives at 9 Watchwater Way was present to appeal the Architectural Control Committees' (ACC) denial of the erection of a trampoline in his backyard. The primary reason for the trampoline is exercise for his two sons. The trampoline is in the rear corner of his back yard and is not visible from the street. The trampoline is not for public use and his sons are trained. Dunja mentioned the location is in his rear yard but almost in the front yard of his neighbors at 10 Watchwater Way. Mr. Klein mentioned that prior to buying and erecting the trampoline he asked each of his neighbors if they had any objections. There were no objections from the neighbors at that time. The Board thanked Dr. Klein and said they would discuss the issue later in the meeting.

Upon a motion by John and seconded by Dunja, the minutes of the May 2007 Board meeting were approved with changes noted.

Officer and Committee Reports

Dick Berman was present to discuss the lake. Duckweed is starting to become more visible on the surface of the lake. Dick recommends we hire a contractor to rake the duckweed from the shoreline and residents in the 100 block of New Mark Esplanade should spray the duckweed with a hose which will cause it to sink. Richard believes the raking along with applying aquatic dye should be adequate to keep the duckweed and submerged aquatic vegetation under control. Jim mentioned he had applied to the Maryland Department of the Environment (MDE) for a Toxic Materials Permit to apply the aquatic herbicide Sonar, if needed. Diane mentioned that repositioning the bubblers might help keep floating debris from accumulating in the corners of the lake.

Lori mentioned that the landscaping around the pool had been completed. The horse shoe pit has been removed. The old tractor tire will stay in place. She and Jim did a sign inventory throughout the community. Eleven new wooden signs have been ordered. Other signs will be washed and repainted.

Lori distributed brochures for drinking water fountains to the Board for their consideration. After discussion, Ernie made a motion to approve the purchase a bi-level drinking fountain with a pet fountain from Ferguson Enterprises Inc. The purchase price will not exceed \$1,900. John seconded the motion which was unanimously approved.

Administrators Report

2007 Dues Invoices: Jim told the Board 56 residents have not paid the second installment of their HOA dues.

Pool Status: Jim told the Board the Garden Club did an excellent job of filling the planters on the pool deck with flowers. Dunja suggested we order more umbrellas for the pool deck. The life guards are doing a good job so far this summer. This is the second year for the manager, Dragan and his brother Ivan. When the old pool fence was demolished, several sections of wooden benches were also removed. We need additional seating on the pool deck. Jim gave the Board a proposal from M. L. Bamel & Associates for 20 Alumatech stacking chairs that match our existing pool chairs. The cost for 20 chairs is \$68 each for a total of \$1,360. There will be a freight charge in addition to the cost of the chairs and they should arrive before the first swim meet. After discussion, John made a motion that we accept the proposal from M. L. Bamel for \$1,360. Alex seconded the motion which passed unanimously.

Jim gave the Board a proposal from Long Fence to install three hand rails on the steps leading from the side walk next to the pool to the clubhouse front door. There will be a handrail on either side of the steps and a handrail up the center of the stairway. The three rails will cost \$2,450. After discussion, Ernie made a motion that we accept the proposal from Long Fence for \$2,450. Dunja seconded the motion, which passed unanimously.

40th Anniversary update: The committee selected Saturday, August 25th from 4 p.m. to 6 p.m. for our 40th anniversary celebration. The committee is discussing mementoes to be given to each household in remembrance of the event. A water bottle, can cozy and visors are being considered. Lori mentioned we should not use the NMC logo whatever item is selected.

4th of July celebration: Jim mentioned that John Brown will not be able to participate in the event this year. John usually handles all the shopping and grill duties for the event. Jim will investigate caterers which specialize in picnic type events. Alex mentioned she has used several caters at work and will send Jim their names.

Old Business

ACC – trampoline at 9 Watch water Way: After discussion, the Board decided to table the decision on the trampoline at 9 Watchwater Way until they made another visit to view the trampoline's location and the impact on the neighboring properties.

Virginia Lake Management (VLM) proposal: The Board previously approved a proposal to replace the lights on the lake fountain. During the pre-installation site visit, VLM noted several deficiencies in the electric wiring for the lake fountain and lights. They propose we install a new combination fountain and lighting control panel. The new control panel will bring the electric service up to code and include GFCI in the circuits for the fountain and the lights. The proposal was for \$1,440. After discussion, John made a motion that we accept the VLM proposal for \$1,440. Ernie seconded the motion, which passed unanimously.

New Business

Stolburg Landscape proposals: Jim presented the Board three proposals for landscape services throughout the community. They included wood chips for several walking paths, gravel for a walk path behind several town homes and clearing a hillside of debris and brush in the 800 block of NME. The three proposals total \$2,875. After discussion, Lori made a motion that we accept the Stolburg proposals for \$2,875. Ernie seconded the motion, which passed unanimously.

Rockville Police Department (RPD) meeting: Jim suggested we invite the RPD to speak to the community on June 21st at 7:30 p.m. in the clubhouse. Topics of discussion should include the recent break-ins around NMC and revitalizing the Neighborhood Watch program.

**NE W MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JULY 7, 2007**

ATTENDEES: Ernie Culman, Joe Jordan, Margaret Chao, Alex Manolatos, Lori Nicely, John Brown, Cathy and Richard Berman, David and Nancy Wood, Bob Hauenstein, Maria Broadbent, Dick Leonard, Sally Guardia, Ira Guzik, Bethany Portner, Diane Rundell and Jim Denny.

Board members not in attendance: Dunja Baker

Community Forum: Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. Maria said the Mayor and Council had approved a new refuse system. Collection would be at curbside, 2 times per week and would include single stream recycling. They will use semi-automated trucks where possible. The City realizes exceptions will have to be made to accommodate the difficult physical locations. The Farmer's Market is being held every Saturday morning and Wednesday mid-day. Submissions for the City's The Good Neighbor Awards program must be received by July 9th. There have been a couple of instances of automobiles being shot at and hit by paint balls in the City. Please report any instances to the Police department. Joe asked Maria if the exception process for the new trash collection program has been documented and can we get a copy of the document.

Officer and Committee Reports

Dick Berman was present to discuss the lake. The aquatic dye appears to be working but the duckweed and algae appear to be growing exponentially. It appears to be covering almost 60 to 70 % of the lake surface. Dick proposed a volunteer day this coming Saturday to remove algae from the lake using rakes from the shoreline. Sally mentioned it would be impossible to rake along the concrete lake wall along 100 to 184 NME. She and Jim discussed mechanical removal with a representative from Virginia Lake Management (VLM) and it is not feasible for our lake.

Bob Hauenstein urged the Board to take whatever steps necessary to keep the lake algae free. The lake should be maintained and kept clear of surface growth.

Diane Rundell mentioned the lake appears to be significantly worse than it was last month. She is trying to sell her house at 106 NME and the condition of the lake is a definite negative to prospective purchasers.

Nancy and David Wood mentioned the aquatic dye has given the lake a blue tint. Jim mentioned he ran out of black dye and used a double treatment of blue dye to darken the water.

Sally mentioned we have used the contact herbicide, Diaquat, in the past.

Upon a motion by John and seconded by Lori, the minutes of the June 2007 Board meeting were approved with the two changes noted.

Lori had several project updates to report. She is soliciting bids to power wash the lake concrete wall. She has talked to several contractors about straightening and painting light post throughout the community. After talking with various contractors, we need to find commercial painters to give us estimates for painting the light post, iron railing and electrical boxes.

Administrators Report

2007 Dues Invoices: Jim told the Board 15 residents have not paid the second installment of their HOA dues.

Pool Status: Jim told the Board the pool was closed today due to a fecal accident. Someone had thrown feces into the pool between 9:45 a.m. and 10:30 a.m. The guards cleaned the pool and followed Continental Pools and Montgomery County guidelines for this type of accident. After discussion with the pool staff at 3:00 p.m., Jim decided to close the pool for the rest of the day. Closed circuit TV, additional pool deck lighting and signs warning of video coverage were discussed as a possible ways to deter these types of actions in the future. Jim mentioned we have sold 27 non-resident memberships this year for \$12,091.

40th Anniversary update: Margaret gave the Board a copy of the invitation that will be distributed to each home in NMC along with a memento celebrating NMC's 40th Anniversary. Light refreshments and beverages will be served. Jim and Joe will send invitations to City representatives. Since New Mark is known for its diversity, Margaret has ordered a large world map to hang on the wall during the celebration. People will be able to place a marker on the country they came from.

4th of July celebration: The celebration was very successful this year. This is the first time we have had the event catered in six or seven years. The catering was provided by the Cozy Restaurant in Thurmont, MD. They were very professional and did an excellent job.

2nd Quarter financial update: Jim gave the Board an update on the financial status of the Association as of June 30, 2007. He presented the actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as June 30, 2007. Jim mentioned he and Ernie met earlier in the week to review the process used to balance the Association's checking, money market and reserve account. Joe requested that Jim provide more detailed information at the next financial review and the 2008 budget preparation meeting. After reviewing the reserve fund expenditures year to date, it was agreed that the reserve fund should maintain a minimum balance of at least \$250,000.

Old Business

ACC – trampoline at 9 Watchwater Way: After discussion, Margaret made a motion that the Board approve the trampoline installation at 9 Watchwater Court upon receipt from Dr, and Mrs. Klein's insurance company covering New Mark Commons Homes Association Incorporated as an additional insured on their home owners' insurance policy. Ernie seconded the motion which passed unanimously.

ACC – trampoline at 11 Lakeside Overlook: The resident's have submitted an ACC Application. No action required by the Board at this time.

Lake Update: We have received a permit from the Maryland Department of the Environment to use Sonar in our lake.

Deck replacement at 6 Watchwater Court: The ACC approved the replacement deck at 6 Watchwater Court. There was no reason to equate an increase in deck area to increased noise. The Board received a letter from the neighbors at 7 Watchwater Court in opposition to the increase in deck size. After discussion, the Board did not find any cause to over-turn the ACC's approval. Jim will inform the Boyce's of the Board's decision.

Rockville Police Department (RPD) meeting: A meeting was held with the RPD on June 21st at 7:30 p.m. at the clubhouse. Approximately 30 residents attended the meeting which covered the recent break-ins around NMC and revitalizing the Neighborhood Watch program.

New Business

Lake treatment proposals: Jim presented the Board two proposals for chemically treating the lake for algae and other unwanted aquatic vegetation. The first proposal was from Virginia Lake Management (VLM) for \$4,354. The second proposal was from Environment Quality Resources (EQR) for \$1,800 per treatment. EQR estimated it would take 2 to 3 treatments to clear the lake of algae. After discussion, John made a motion that we accept the proposal from VLM for \$4,354 after a satisfactory conversation between Joe and Kevin Tucker of VLM and the securing of necessary permits from the Maryland Department of the Environment (MDE). Ernie seconded the motion which passed with five “yes” votes from Joe, Ernie, John, Margaret and Alex. Lori abstained.

Monte Loeb C.P.A.: We received a letter from Mote Loeb, the Association’s accountant informing us his firm will no longer be conducting audits. We will start looking for a new accounting firm and include updating the Association accounting system in the request for proposals.

Bike racks: Lori gave the Board several options for bike racks to replace the two racks near the clubhouse. After discussion, the Board decided we would repaint the existing racks.

Clubhouse light fixtures: Joe suggested we order the next size up from the sample fixture installed in the hallway.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, AUGUST 2, 2007**

ATTENDEES: Ernie Culman, Joe Jordan, Margaret Chao, John Brown, Dunja Baker, Diane Rundell and Jim Denny.

Board members not in attendance: Alex Manolatos, Lori Nicely

Community Forum: There were not any residents present for Community Forum.

Officer and Committee Reports: There were not any committee members present for the meeting.

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

Administrators Report

2007 Dues Invoices: Jim told the Board 1 resident has not paid the second installment of his HOA dues.

Pool Status: Jim told the Board the pool is in good condition. The life guards are working out fine. There has been a greater emphasis placed on cleaning the pool and the deck since our meeting with Continental Pool management. There was a discussion about raising the swim team coaches' salary from \$6,000 to \$7,000 for 2008. Mark received \$4,000 as the head coach and Jeni received \$2,000 as the assistant coach. Jim will contact several other communities to see what they pay their swim team coaches.

40th Anniversary update: Margaret gave the Board a copy of the invitation that will be distributed to each home in NMC along with a memento celebrating NMC's 40th Anniversary. Light refreshments and beverages will be served. Jim and Joe will send invitations to City representatives ASAP. John will investigate the cost to purchase a desk top public address system. We will also include the flier in the August newsletter.

Old Business

Lake Update: The lake has received three treatments of aquatic herbicide and algaecide to date. The amount of surface algae has dramatically decreased. Virginia Lake Management (VLM) took water samples after the last treatment to determine the concentration of chemicals remaining in the lake. If necessary, there may be additional treatments.

Projects: Jim gave the Board two proposals for power washing the concrete lake walls. After discussion, the Board agreed to table the proposals. They may reconsider the proposals next year. Jim told the Board the new water fountain near the tennis court has been installed, the new hall lights in the clubhouse have been installed and the new lake fountain and light control panel have been installed. The bike racks near the clubhouse will be sanded and painted and several new wooden street signs will be installed prior to the 40th Anniversary celebration.

Monte Loeb letter: We received a letter from Monte Loeb, the Association's accountant, informing us his firm will no longer be conducting audits.

New Business

Bonifant Tree Service proposal: At our request, we received two proposals for tree maintenance and removal of several dead trees. The proposals totaled \$14,655. The Board deleted several line items on the proposal. After discussion, Ernie made a motion that we accept the Bonifant proposal for \$13,180. Dunja seconded the proposal which passed unanimously.

Stolburg Landscaping proposal: At our request, we received an estimate to remove several trees and clean up several overgrown areas in the community. The proposal totaled \$7,200. The Board deleted several line items from the proposal. After discussion, John made a motion that we accept the Stolburg proposal for \$3,400. Dunja seconded the motion which passed unanimously.

Structural Rehabilitation proposal: We received a proposal to perform a pre-design investigation for \$2,000 and develop a design for \$4,500 for the retaining walls behind the clubhouse. After discussion, the Board decided to solicit additional bids from companies that specialize in restoring or building retaining walls.

Potomac Valley Wellness Center: The Board received a "Certificate of Participation" in their Alzheimer's Walk on May 12, 2007.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 6, 2007**

ATTENDEES: Ernie Culman, Joe Jordan, Margaret Chao, Alex Manolatos, Dunja Baker, Gene Silverman, Cathy Berman, Mario Rinaudo, Ann Mason, Helen Wolfe, Stewart McKenzie, Sonya Light, Mary Lee, Dan and Patricia Hibbard, Janet Brown and Jim Denny.

Board members not in attendance: John Brown and Lori Nicely

Community Forum: Mario Rinaudo was present to appeal the Architectural Control Committees (ACC) denial of his application to install asphalt over the existing gravel parking pad next to his driveway. The current driveway is concrete. The ACC denied using asphalt. The ACC said concrete should be used in order to be compatible with the existing driveway. The Board thanked Mr. Rinaudo for attending the meeting. They will discuss the driveway later in the meeting.

Gene Silverman was present to discuss a replacement front door for his home. Mary Lee, Chairperson of the ACC suggested Gene attend the Board meeting. His proposed new door would not be acceptable under the current ACC Guidelines. Mary would like to see a revision to the ACC Guidelines that apply to doors. Currently, only flush panel doors are the approved replacement for the townhouses and the contemporary detached homes. The Board thanked Gene for attending the meeting and will discuss the proposed new door later in the meeting.

Dan and Patricia Hibbard were present to discuss their request to remove a tree and have several trees trimmed.

Sonya Light was present to discuss her recent trip to Guatemala with International Habitat for Humanity. Sonya would like to share her experience with the NMC community with the hope of raising funds to support the International Habitat for Humanity effort.

Officer and Committee Reports: Helen Wolfe, Chairperson of the Landscape Committee, was present to present the Committee's recommendation for a community memorial garden. The area behind the clubhouse was selected by the committee. It would be a woodland garden and the committee would emphasize the use of native plantings requiring relatively low maintenance. Several species of trees, bushes and plants will be available and memorial plaques would be available to be mounted inside the entrance of the clubhouse.

Cathy Berman was present to discuss the lake. She and Richard had prepared a document titled "State of Lake New Mark 9/5/2007". Richard had taken water samples from the lake and they offered their observations of the lake since the application of the aquatic herbicides and algaecides in July and August. They made several recommendations to increase the oxygen level in the lake and a non-toxic approach to control duckweed and algae next year. Joe said we should request a water quality report from Virginia Lake Management. Jim mentioned the water level in the lake is low and not flowing over the spillway.

Upon a motion by Margaret and seconded by Ernie, the minutes of the August Board meeting were approved.

Administrators Report

2007 Dues Invoices: Jim told the Board 1 resident has not paid the second installment of his HOA dues.

Pool Status: Jim told the Board there are several maintenance and repair items that need to be addressed in the off season. They are providing new filter cartridges, repairing the pool lights and locating a possible leak in the baby pool filtration system. Continental Pools has started several repairs approved earlier this year.

Board of Director's Open House: The date for the Open House was changed from October 20th to November 3rd

Old Business

Trampoline Updates: The trampoline at 9 Watchwater Way has been disassembled and is lying on the ground. Ms. Klein said they will be removing the trampoline. The ACC approved the installation of the trampoline installed at 11 Lakeside Overlook with the condition that New mark Commons Homes Association, Inc. be added as an additional insured on their home owners insurance policy. To date, the Association has not received notification from their insurance company. Jim will send them a follow up letter.

40th Anniversary recap: The 40th was a success. Approximately 200 hundred current and former residents of NMC attended. City Council members Anne Robbins and Bob Dorsey stopped by to help NMC celebrate this milestone.

New Business

Insurance – Officers and Directors policy renewal: We received the renewal premium for the Officers and Directors policy. It was \$2,347 which was the same as 2006. After discussion, Ernie made a motion that we accept the renewal policy for \$2,347. Margaret seconded the motion which passed unanimously.

Virginia Lake Management (VLM) annual contract: VLM sent a proposal for annual maintenance of our fountain, aeration system and electrical control panels. It would include all chemicals required to keep the lake free of algae and other invasive aquatic vegetation. The Board decided the proposal required further evaluation and they expect to see recommendations from the Lake Committee for controlling unwanted aquatic vegetation next year. Any proposal for lake maintenance will be forwarded to the Lake Committee for their review before acceptance.

Dead tree removal: We received proposals from Bonifants Tree Service and Stolburg Landscaping for the removal of 2 dead trees along the walking path behind the clubhouse. The Bonifant proposal was \$1,350. The Stolburg proposal was for \$950. After discussion, Margaret made a motion that we accept the Stolburg proposal for \$950. Alex seconded the proposal which passed unanimously.

Concrete repairs: We received three proposals for concrete sidewalk and curb repair throughout the community. The proposals were from Dominion Paving for \$16,552, Stolburg Landscaping for \$13,254 and Greenskeeper Environmental LLC for \$23,825. After discussion, Ernie made a motion that we accept the proposal from Stolburg Landscaping for \$13,254. Margaret seconded the motion which passed unanimously.

Request for Proposal (RFP) for new auditor: Jim gave the Board a draft of an RFP for audit services. The RFP will be sent to three firms that specialize in audits and accounting services to home owner associations.

Memorial Garden proposal: Alex made a motion that the Board approve the concept presented by the Landscape Committee for a Memorial Garden located on the north side of the clubhouse. Dunja seconded the motion, which passed unanimously. There are several administrative details that remain to be worked out with the committee.

ACC appeal: Several Board members mentioned they needed to look at the driveway at 1 Bentana Way before making a decision. They will send Jim an email early next week with their decision. Jim will tally the votes and inform the Board and Mr. Rinaudo of their decision.

New front door: After discussion, Ernie made a motion that the Board approve the new front door proposed by Gene Silverman at 20 Watchwater Way. Dunja seconded the motion which passed unanimously.

The Board approved the use of the clubhouse by Sonya Light for her presentation on International Habitat for Humanity.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 4, 2007**

ATTENDEES: Ernie Culman, Margaret Chao, Alex Manolatos, Dunja Baker, John Brown, Lori Nicely, Helen Wolfe, Sally Guardia, Bob Hauenstein, Helen Wolfe, Diane Rundell and Jim Denny.

Board member not in attendance: Joe Jordan

Community Forum: Helen Wolfe told the Board she was very happy with the appearance of the lake. The lake is clear and free of aquatic growth and algae. Bob Hauenstein also mentioned he was very satisfied with the appearance of the lake. They urged the Board to take the steps necessary to keep the lake free of algae and other aquatic growth. Sally Guardia mentioned she attended a meeting of the Lake Committee earlier in the week. The Lake Committee was trying to obtain a consensus on recommendations to present to the Board of Director's concerning lake maintenance for 2008. Some members of the Lake Committee oppose the use of chemicals to control aquatic growth and are proponents of manual duckweed and algae removal. Other member feel the use of chemical is the preferred way to insure the lake remains algae and weed free. A Lake Committee meeting is planned for November.

Officer and Committee Reports: Lori had several items to discuss. She mentioned several cul-de-sacs in the community need to be cleaned up by our landscape contractor. She mentioned there have been several instances where residents have not completed or left debris while performing landscape work on community property. She stated that on-going maintenance is the responsibility of NMC and our landscape contractor. She believes residents taking on such a role pose a liability to the Association if they are injured while performing such duties.

Upon a motion by Ernie and seconded by Dunja, the minutes of the September Board meeting were approved with changes as noted.

Administrators Report

2007 Dues Invoices: Jim told the Board 1 resident has not paid the second installment of his HOA dues.

3rd Quarter financial update: Jim gave the Board an update on the financial status of the Association as of September 30, 2007. He presented the actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as of September 30, 2007.

Board of Director's Open House: The date for the Open House is November 3rd.

Old Business

Trampoline Updates: The trampoline at 9 Watchwater Way has been disassembled and is lying on the ground. Ms. Klein said they will be removing the trampoline. The Association received a letter from the Kimmelman's insurance company adding New Mark Commons Homes Association as an "Interested Party" on their homeowner's policy.

Lori mentioned we should start notifying residents of repairs that are needed to their homes. There are several fences along New Mark Esplanade that are starting to fall down and are detracting from the overall appearance of the community.

New Business

Lighting proposal: We received two proposals to replace the low voltage path lights along the sidewalk in front of 254 to 260 NME with 120V path lights. The proposal from Power Systems Electric was for \$1,940. The proposal from Electric Advantage was for \$3,196. After discussion, John made a motion that we accept the proposal from Power Systems Electric, not to exceed \$2,000. Ernie seconded the motion which passed unanimously.

Request for Proposal (RFP) for new auditor: Jim gave the Board a proposal we received in response to the RFP we sent to three accounting firms. The other two firms will be sending their proposals in October.

Miscellaneous

Margaret mentioned several trees along Welwyn Way have red dots on their trunks. Does this indicate they are to be removed? Also, is the City finished with tree removal along New Mark Esplanade? Jim will call Wayne Noll, the City Forester, for an update.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, NOVEMBER 1, 2007**

ATTENDEES: Margaret Chao, Joe Jordan, John Brown, Lori Nicely, Maria Broadbent, Arnold Rubin, Eric Tehrani and Jim Denny.

Board member not in attendance: Ernie Culman, Dunja Baker and Alex Manolatos

Community Forum: Arnold Rubin, who lives at 312 New Mark Esplanade, was present to ask the Board for reimbursement of expenses incurred when a large branch from a tree on community property fell on the roof of his home. The rear gutter and several shingles on his roof had to be replaced. He gave the Board a copy of the contractor's invoice for \$500 and pictures of the tree limb on the roof. Jim mentioned the tree appeared to be healthy. Jim had Bonifant Trees Service remove the fallen branch the next day. Jim had talked to Betty Hileman, the Association's attorney, who said the events should be treated as an Act of God and the Association is not liable for any damage to Mr. Rubin's home. The Board thanked Mr. Rubin for coming to the Board meeting and will discuss the incident later in the meeting. Eric Tehrani, who lives at 314 New Mark Esplanade, was present to discuss the wooded area behind his home. He said the mosquitoes in the summer made his back patio unusable. The woods are overgrown and he and several of his neighbors would like the area cleared of overgrowth, re-graded and grass planted behind their homes. Joe suggested a site visit to the area behind 300 to 314 New Mark Esplanade by several Board members, Eric, Arnold and Jim. The Board thanked Mr. Tehrani for attending the meeting.

Maria Broadbent, City of Rockville Neighborhood Service Coordinator, was present to discuss several topics with the Board. Maria mentioned there was a meeting scheduled to shape the future look of Rockville Pike. She also mentioned the draft of the revised Zoning Ordinance were available for review. She said City staff was willing to meet with community groups to discuss the changes. She said the new grocery store was not expected to open until more of the condos and apartments were occupied. She said that Saturday, November 17th was the final Farmer's Market of the year.

Officer and Committee Reports: There were not any committee members present.

Upon a motion by John and seconded by Margaret, the minutes of the October Board meeting were approved with changes as noted.

Administrators Report

2007 Dues Invoices: Jim told the Board 1 resident has not paid the second installment of his HOA dues.

Board of Director's Open House: The date for the Open House is November 3rd.

2008 Proposed Budget: Jim presented the 2008 Proposed Budget to the Board. The amount the Association's dues can be raised is capped by our Bylaws. It is limited to the increase in the Consumer Price Index (CPI) from September of the previous year to the current September for the Washington/Baltimore metropolitan area. This year the CPI increase was 3.4%. The proposed budget reflects the 3.4% increase. This equates to a dues increase of \$28 to \$32 per household for the entire year. John suggested an increase in the swim team coach's salary for 2008 from \$6,000 to \$7,000. After discussion, John made a motion that the swim team coach's salary be increased to \$7,000 for 2008. Lori seconded the motion. John and Lori voted in favor of the increase. Joe and Margaret voted against the increase. It was agreed the proposed budget be published in the November/December New Mark newsletter and ask the community for comments.

Autos vandalized: Several cars in the Scandia Way area were broken into and ransacked on Halloween night. Small items were taken. A couple of the cars ransacked were unlocked.

Memorial Garden note: Linda Silversmith sent the Board a note that she would like to propose an alternative site to plant a tree in memory of her husband. She had several other suggestions and questions concerning the current Memorial Garden process.

Old Business

Concrete work: Jim told the board 95% of the concrete work, previously approved, has been completed. The trip hazards in front of 290 & 292 New Mark Esplanade have been removed and new sidewalks installed.

Lake Update: Jim mentioned the tentatively scheduled Lake Committee meeting for November has been postponed until next year. Jim is meeting a representative from Harmony Ponds to discuss an aquatic maintenance program for the lake next year.

New Business

Snow Removal proposal: We received a proposal from Sivert Enterprises Inc. for snow removal for 2008. After discussion, Lori made a motion that we accept the proposal from Sivert Enterprises. John seconded the motion which passed unanimously.

RFP responses for new auditor: We received responses from three auditing firms. The firms were Goldklang & Cavanaugh, Carla McGarry, CPA and DeLeon & Stang. The proposals ranged from \$7,450 to \$4,700. The firm selected will also provide assistance with the installation of a new accounting system for the Association. After discussion, Margaret made a motion that we accept the proposal from DeLeon & Stang for \$4,700. John seconded the motion which passed unanimously.

Arnold Rubin's request for reimbursement: The Board instructed Jim to call the Association's attorney and verify that the Association is not liable for damage caused by falling tree branches. If we are not liable, the Board agreed to deny Mr. Rubin's request.

Miscellaneous

Jim will ask Wayne Noll, the City Arborist, if he would be willing to walk our common area to evaluate the condition of our trees. We will ask him to recommend several tree species we can plant to replace the trees lost to disease or damage.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 6, 2007**

ATTENDEES: Margaret Chao, Joe Jordan, Lori Nicely, Ernie Culman, Dunja Baker, Alex Manolatos and Jim Denny.

Board members not in attendance: John Brown

Community Forum: No residents were present for Community Forum.

Officer and Committee Reports: There were not any committee members present.

Upon a motion by Margaret and seconded by Joe, the minutes of the November Board meeting were approved with changes as noted.

Administrators Report

Meeting with new auditors: Jim told the Board he met with representatives of our new audit firm, DeLeon and Stang. They recommended Quick Books Pro to replace our current accounting software.

2008 Proposed Budget: Jim presented the 2008 proposed budget to the Board along with year-to-date expenditures versus budget for 2007. After discussion, the Board approved a \$3,000 bonus for the Administrator. Ernie made a motion that the 2008 proposed budget be accepted with the change noted. Margaret seconded the motion, which passed unanimously. Jim will present the revised 2008 proposed budget at the January Board meeting.

Old Business

New sidewalk lighting: The new lighting along the sidewalk in front of 254 to 260 New Mark Esplanade, previously approved by the Board, has been installed.

Bradford Pear tree removal: The City has marked 15 additional Bradford Pear trees for removal. They plan on removing the trees and grinding the stumps this winter. The new trees will be planted this spring.

Legal Opinion letter: The Board requested the Association's attorney prepare an opinion letter defining the Association's liability for damage caused by a tree limb which fell from a common area tree onto an owner's home. Her opinion is the Association is not responsible for damage caused by a healthy living tree.

According to a Maryland Court of Appeals case, Melnick v. C.S.X. Corporation, et al., 312 MD 511, 540 A.2d 1133 (1986) the Court confirmed that landowners are not liable for the natural droppings and debris from trees and plants that fall onto the land of others. The Court did not want to impose liability upon the adjoining landowner for the “natural processes and cycles” of trees, plants, roots, and vines. However, the court confirmed that the other landowner has the right to prune and cut back any such limbs and growth that encroach onto his property. The court implied that this rule might not apply in a situation where the landowner knew that the tree was dead or presented a danger to adjacent landowners and failed to take action to prevent damage.

The Melnick case was discussed in Brookhultz v. Maryland Midland Railway, Inc. v Horner, 688 F. Supp. 1061 (Md. Dist. Ct. 1988) and the Court held that landowners could not be held liable for damages caused to a third-party by a dead tree where they had no notice of the trees propensity for harm and where the property was rural.

Where the Association regularly inspects and maintains its trees, the Association has no liability for damages caused by a fallen limb from a healthy tree on the common area.

New Business

Stump grinding proposal: We received a proposal from Sivert Enterprises Inc. for grinding six tree stumps in the community for \$1,250. After discussion, Alex made a motion that we accept the proposal from Sivert Enterprises. Margaret seconded the motion which passed unanimously.

Concrete proposal: We received a proposal from Stolburg Landscaping for \$3,400 to replace the driveway at 400 New Mark Esplanade. This driveway is one of several in the community with shared ownership between the resident and NMC Homes Association. NMC’s portion of the replacement is \$1,056. The homeowner is responsible for \$2,344. After discussion, Margaret made a motion to approve the NMC portion of the repairs, contingent on the homeowner paying their part of the driveway replacement. Dunja seconded the proposal which passed unanimously.