

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, January 3, 2008**

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

Board members not in attendance: Administrator, Jim Denny

Community Forum:

Officer and Committee Reports:

Upon a motion by _____ and seconded by _____, the minutes of the December 2007 Board meeting were approved.

Administrators Report

1st HOA dues invoices mailed:

2008 Proposed Budget - final:

Pool issues:

Old Business

Landscape issues behind 300-314 NME:

New Business

Select annual meeting date (3-18-2008):

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, FEBRUARY 7, 2008**

ATTENDEES: Margaret Chao, Joe Jordan, Lori Nicely, John Brown, Dunja Baker, Stewart McKenzie, Linda Huntington, Jenny Kimball from the City of Rockville and Jim Denny.

Board members not in attendance: Alex Manolatos, Ernie Culman

Community Forum: No residents were present for Community Forum. Jenny Kimball, Assistant to the City Manager, was representing the City as our acting Neighborhood Service Coordinator. Jenny mentioned the City's Department of Recreation and Parks is having a meeting on March 4, 7:00 p.m. at City Hall to solicit residents input for the Parks, Recreation and Open Space plan (PROS). The PROS plan is a long range policy document that sets the overall goals and objectives for the Department of Recreation and Parks for the next five to twenty years.

Officer and Committee Reports: Linda Huntington, Chairperson of the Tree Committee, and Stewart McKenzie presented a draft of their Reforestation Project. They identified and catalogued over 40 sites on NMC common property where trees have died and been removed over the years. They recommend an initial planting of approximately 30 native species canopy trees, for example, oak, maple or tulip poplar, in our common area this fall. They would like the replacements to be semi-mature trees from six to eight feet tall. They suggested the Board to adopt a policy of "remove a tree, replace a tree" throughout the community. Margaret asked Jenny Kimball if there was a way NME could "piggy back" on a City tree purchase to obtain a more favorable cost per tree. Jenny will investigate and get back to us. Jenny also mentioned this project may be a candidate for the City's Matching Grant program. Linda volunteered to help with the common area woods clean up this year.

Lori Nicely had several Community Improvement Plan issues to discuss with the Board. She obtained two estimates to replace the deteriorating back deck and steps on the clubhouse. After discussion, John made a motion that we accept the proposal from Barron Brothers, Inc. for \$3,165. Lori seconded the motion which passed unanimously.

Lori obtained two proposals to replace the deteriorating decking, rebuild the hand rail to meet current building code height and repaint the lake bridge. The proposals were for \$7,416 and \$15,125. Barron Brothers Inc. submitted the lower priced proposal. Jim had several questions on how the contractor would incorporate the current steel handrail supports with the new railing. He will contact Mike Healey at Barron Brothers to discuss. These proposals were tabled until the next Board meeting.

Lori and Jim had proposals to extend the buffer zone along the woods edge from 836 to 314 NME. The bids were to clear all brush and debris, prepare for planting and mulch an area approximately twelve feet wide and one hundred and forty feet long. The proposals ranged from \$2,850 to \$5,625. After discussion, John made a motion that we accept the proposal from Stolburg Landscaping for \$2,850. Lori seconded the motion, which passed unanimously.

Administrators Report

Dues: Jim told the Board fifty seven residents have not paid the first installment of their Association dues. Reminder letters will be mailed after February 15th.

Board member terms: The terms of three Board members, Margaret Chao, Ernie Culman and Alex Manolatos expire in March. Ernie has said he will not run again. Margaret will run again for another term and Alex will let us know.

Annual audit: The Association's annual audit is scheduled for February 20-21st. This will be the first audit performed by our new accounting firm, DeLeon and Stang.

Old Business

Snow Removal issues: Several areas in the community were overlooked during the first snow event this year. Jim met with Alex Sivert and discussed these areas. The second snowfall was dealt with efficiently and in a timely manner.

New Business

Annual meeting on March 18th: Suggestions for a guest speaker at the coming annual meeting was discussed. Zoning, Town Center and the Parks department have spoken at our meeting in the pasts. Jenny Kimball said she come up with a couple of suggestions.

Community Clean up: March 1st or March 8th were presented as dates for the Community Clean Up. March 1st from 9:00 a.m. to noon was selected. March 8th will be the rain date.

ACC violation: The resident at 314 NME has erected a shed in the backyard of this home without submitting an ACC Application. Jim will follow up to ensure the shed is removed or an ACC Application is submitted.

Newsletter advertising rate increase: Jim gave the Board a suggested rate increase for the newsletter.

<u>Size</u>	<u>Current Rate/mo.</u>	<u>Proposed Rate/mo.</u>	
Full page	\$ 25.00	\$ 35.00	(\$15 additional for the back page)
Half page	\$ 17.50	\$ 27.50	
Quarter page	\$ 12.50	\$ 22.50	
< Quarter page	\$ 8.00	\$ 18.00	

Continental Pools: This is the second year of a two year pool management contract with Continental Pools. The second year contract is for \$43,195 which is an increase of \$1,045 over the 2007 contract. This is an increase of a little less than a 2.5%. John made a motion that we ratify the contract for 2008 with Continental Pools for \$43,195. Dunja seconded the motion, which passed unanimously .

Associated Insurance: We received the renewal for the Associations' Crime policy. This covers the Association from employee dishonesty, forgery and theft. The premium for 2008 is \$1,432 which is the same as our 2007 premium. After discussion, John made a motion that we accept the Crime policy renewal for \$1,432. Margaret seconded the motion, which passed unanimously.

Miscellaneous

- Margaret will send Jim a swim team article for the coming newsletter.
- We will start looking for companies to update or redesign the website.
- We will continue to request email addresses from residents and ask them to "opt in" to our contact list.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MARCH 6, 2008**

ATTENDEES: Margaret Chao, Joe Jordan, Lori Nicely, Dunja Baker, Jenny Kimball from the City of Rockville, Alex Manolatos, Ernie Culman and Jim Denny.

Board members not in attendance: John Brown

Community Forum: No residents were present for Community Forum. Jenny Kimball, Assistant to the City Manager, was representing the City as our acting Neighborhood Service Coordinator. Jenny gave the Board handouts with the schedules on four of the City's most popular events: the Growers Only Farmers' market, Out to Lunch Wednesdays, Concert in the Square and Hometown Holidays.

Officer and Committee Reports: Joe mentioned that he and Jim met with Helen Wolfe, Chairperson of the Landscape Committee, to discuss the memorial garden plan. It was agreed the plaques would not be mounted in the clubhouse hallway and Helen will investigate bronze plaques with stakes to be placed near the individual plantings.

Administrators Report

Dues: Jim told the Board eleven residents have not paid the first installment of their Association dues and have not responded to the second request letters mailed on February 20th.

Bradford Pear tree removal: Jim told the Board the City has started removing the trees along New mark Esplanade (NME). The City has started grinding the stumps and will the plant new trees this spring.

Community Clean Up: The Clean up held on March 1st was a success. Approximately fifteen residents participated and huge piles of brush and fallen tree limbs were removed from the woods along the bike path.

Property Enhancement letter & process: Jim gave the Board the form letter and check list that had been used in the past to notify resident of home maintenance issues that needed to be addressed. Joe and Jim will work to update the letter. There was discussion on how to motivate residents to work on maintaining the appearance of the homes and yards. Joe mentioned this spring would be a good time to update the ACC Guidelines, especially the exterior light and exterior door sections.

Annual audit: The Association's annual audit was held on February 20-21st. We should have a draft of the audit finding before the annual meeting.

Write off old legal fees: The Association has \$1,462.51 in past due account receivables that represent legal fees associated with dues collection activity that occurred between 1999 and 2001. After discussing with the Associations attorney, the chance of collecting the money is remote. Jim asked the Board for permission to write off the past due amount of \$1,462.51. After discussion, Margaret made a motion that the Association write off the uncollectable account receivable amount of \$1,462.51. Lori seconded the motion, which passed unanimously.

Old Business

Snow Removal issues: Several areas in the community were overlooked during the most recent snow event this year. Jim will met with Alex Sivert and discussed the areas that needs improvement.

ACC violation at 314 NME: The owner erected a Rubber Maid shed in the rear yard without submitting an Architectural Control Committee (ACC) Application. Jim wrote the home owner, requesting the shed be removed or submit an ACC Application to start the ACC process. There has not been a response from the home owner to date.

ACC request from 2 Bentana Way: The ACC denied a request from the new owner at 2 Bentana Way for a shed in the rear yard. There has not been a response from the home owner to date.

Projects completed: Jim told the Board two projects approved earlier in the year have been completed. The new deck and steps on the rear of the clubhouse have been completed. The overgrown area behind 300 to 314 NME has been cleared and mulched.

New Business

Annual meeting on March 18th: It was decided we would not have a guest speaker at the annual meeting. Jim will contact the committee chairpersons and ask them to give a brief update on their committees' activities.

Clubhouse retaining wall bids: Jim gave the Board three proposals to remove and rebuild the two retaining walls on the rear of the clubhouse. The proposals ranged in price from \$13,620 to \$17,500. After discussion, Lori made a motion that we accept the proposal from Professional Stone Work for \$14,650. Dunja seconded the proposal which passed unanimously. Margaret suggested we start a project log to keep track of capital improvement projects.

Continental Pools: Jim gave the Board two proposals from Continental Pools. The first proposal for repairs totaled \$6,437. The second proposal for parts totaled \$6,718.98.

The supplies proposal included \$4,470 for new pool filter manifolds and two sets of filters. After discussion, Alex made a motion that we accept the repairs proposal, not to exceed \$7,200. Dunja made a motion that we accept the parts proposal, not to exceed \$7,200. Margaret seconded the motion, which passed unanimously.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, APRIL 3, 2008**

ATTENDEES: Margaret Chao, Joe Jordan, Lori Nicely, Jenny Kimball from the City of Rockville, Alex Manolatos, John Hansman and Jim Denny.

Board members not in attendance: Dunja Baker and John Brown

Community Forum: No residents were present for Community Forum. Joe welcomed John Hansman as the newest Board member. John was elected to the Board at the NMC Annual meeting held on March 18, 2008. Jenny Kimball, Assistant to the City Manager, was representing the City as our acting Neighborhood Service Coordinator. Jenny mentioned the vacant Neighborhood Services Coordinator position has been filled. The new coordinator should be able to attend the May Board meeting. Jenny gave the Board several handouts for upcoming City activities: Mayor and Council meeting schedule for the FY 2009 budget; launch of the Asian Pacific American Task Force; and Welsh Park family Fun Night. Jenny gave NMC two portable file cases containing general information on the City's department and several of the most common forms used by residents. Lori mentioned there appears to be a lot of graffiti along the Metro Rail line as you enter Rockville coming from Washington, D.C.

Upon a motion by Margaret and seconded by Alex, the minutes of the March 2008 Board meeting were approved.

Officer and Committee Reports:

Election of Officers: The election of new officers occurs at the first Board meeting after the annual meeting. Alex nominated Joe for president. Margaret seconded the nomination which passed unanimously. Lori nominated Margaret for vice president. Alex seconded the nomination which passed unanimously. Margaret nominated Lori for secretary/treasurer. Alex seconded the nomination which passed unanimously

Administrators Report

Dues: Jim told the Board five residents have not paid the first installment of their Association dues and have not responded to the follow up letters requesting payment.

Financial Review: Jim gave the Board an update on the financial status of the Association as of March 31, 2008. He presented the Balance Sheet, Income Statements, actual expenses year-to-date versus the budget and a reviewed the Association's Operating and Reserve Funds balances as March 31, 2008. Joe mentioned we should consider a professional reserve analysis. The last reserve analysis was done in the spring of 2002. Joe also asked John to meet with Jim monthly to reconcile the Associations' bank statements.

2007 Audit: Jim gave the Board a draft of the 2007 audit of the Associations' financials conducted by our new audit firm DeLeon & Stang. The audit was satisfactory and they had several recommendations for the Board to consider: adopting an accrual method of accounting; sign the supporting invoices along with the checks, establish a fixed asset policy.

Pool update: The pool developed a leak over the winter. The pressure test approved at the March Board meeting will be performed in early April. The results of the test will determine what additional repairs will be required. Jim will advise the Board of the results as soon as they are available.

Old Business

Projects completed: The clubhouse retaining walls are 90% completed. The contractor is doing a good job and should be completed within the week.

Rebuild the lake bridge: Jim told the Board he met with Mike Healey from Barron Brothers Inc. to discuss the new handrail system for the lake bridge. Barron Brothers has come up with a good solution which will result in a rail system that will meet code. After discussion, Lori made a motion that we accept the proposal from Barron Brothers Construction for \$7,901. Alex seconded the motion which passed unanimously.

Virginia Lake Management (VLM) proposal: Jim gave the Board a proposal for an annual maintenance contract to maintain the lake fountain, aerators and compressors. VLM will also monitor the lake water quality and add required chemicals to keep the lake clear of algae and unwanted aquatic growth. After discussion, John made a motion that we accept the annual maintenance proposal from Virginia Lake Management for \$4,608. Alex seconded the motion, which passed unanimously.

New Business

New pool fencing: Jim gave the Board a proposal from Long Fence to extend the 8' high pool fence behind the new retaining wall and install a new 4' high fence behind the retaining wall attached to the clubhouse. Lori mentioned there was a difference in opinion among the contractors if the 4' high section of fencing is required by code. Jim will check with the City's Plans and Permits department to determine if the 4' fence is required. After discussion, Alex made a motion that we accept the Long Fence proposal for \$6,175 with the following contingency: If the 4' high section of fence is not required by code, it will be removed from the proposal. Lori seconded the motion, which passed unanimously.

Stolburg Landscaping proposal: Jim gave the Board a proposal from Stolburg Landscaping for \$800 to install wood chips on several walking paths in the community. After discussion, Margaret made a motion that we accept the proposal from Stolburg Landscaping for \$800. Lori seconded the motion, which passed unanimously.

Miscellaneous

Margaret had several items for the Board: There is a light out on the path from NME to Maryland Avenue; we need more tables for the clubhouse and additional seating for swim meets (she has a source for resin chairs at a reasonable price); we should reconsider a sun structure for the shallow end of the pool. Joe mentioned the pool behind Cabin John Mall that has a wooden shade structure that may be appropriate for our pool. Margaret also suggested we remove the trash can at the corner of the bike path to keep vandals from throwing refuse into the pool.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, MAY 1, 2008**

ATTENDEES: Joe Jordan, John Brown, John Hansman, Rocio Estradaa from the City of Rockville, Yani Barshishat, President of Dapper Ducts, Inc. and Jim Denny.

Board members not in attendance: Lori Nicely, Margaret Chao, Dunja Baker and Alex Manolatos.

Community Forum: Jim introduced Rocio Estrada as our new Neighborhood Resource Coordinator from the City of Rockville. She had several handouts for the Board: Tips on water conservation and improving water quality, First Friday Deck Party schedule and a pocket phone directory card for City services.

Tracy Geiger, Vice president and Audit Manager from De Leon and Stang was present to discuss the results of the Associations' 2007 audit. She told the Board they were very satisfied with the documentation reviewed and cooperation they received during the audit. She also mentioned there is no need to change our current accounting method.

Yani Barshishat, representing Dapper Ducts told the Board about the various duct cleaning services his company offers.

There were not enough Board members present for a quorum. The minutes of the April 2008 Board meeting were not reviewed or approved.

Officer and Committee Reports: No committee members were present.

Administrators Report

Dues: Jim told the Board three residents have not paid the first installment of their Association dues and have not responded to the follow up letters requesting payment.

Pool update: The pool repairs approved earlier are almost complete. It has been hard to gauge if the leak has been totally repaired. The water level keeps fluctuating due to rain fall. The Montgomery County Health Department pre opening inspection is scheduled for May 15th. Jim sent out invoices to 27 non- resident who expressed interest in joining our pool this summer. This represents \$12,825 in revenue for the Association.

Lake Update: Virginia Lake Management (VLM) performed two inspections in April. They performed an initial water quality test and added aquatic dye to the lake. They also performed the fountain and aerator inspection. John Hansman suggested we install additional low fencing to discourage geese near the wooden dock near NME.

Old Business

Projects completed: The lake bridge is nearing completion. There were rotten railroad ties found during demolition of the old bridge that will be replaced. The additional cost will be \$325. Barron Brothers is doing a good job and the bridge should be completed by May 9th.

ACC - 314 NME shed removed: The unauthorized shed erected behind 314 NME was removed.

NMC website: Jim mentioned he talked to a contractor about corrections and/or enhancements to our website. Jim mentioned any proposed changes need to be more of a collaborative effort. We need to determine if it is more cost effective to repair the current site or develop a new website. John Hansman and John Brown mentioned they have experience with website development and would be willing to work with Jim. Joe mentioned we should include the ability to archive newsletters and have a site that is easy to maintain.

New Business

Ohio Casualty - insurance renewal premium: We received the renewal notice for the Commercial Liability, Workers comp. and commercial umbrella policies. The total premium is \$21,170 which is an increase of \$257 over the 2007 premium. Jim mentioned the renewal payment is due May 12th. He will solicit approval from the absent board members via email. John Hansman suggested we review the necessity of the Terrorism Risk insurance premium.

Pool Fence: The new pool fence is on order and should be installed before the pool opens on May 24th.

Ellen Schofield – landscaping reimbursement request: Ms. Schofield who resides at 156 NME is requesting reimbursement of \$938.93 for unauthorized landscaping she did in 2006 and 2007 on NMC common property. Jim and Joe visited the area, 154 to 160 NME before the Board meeting. There were several landscaped plant beds and shrubs on common property. The work done in 2006 and 2007 was not authorized. The Association had reimbursed Ms. Schofield in 2004 and 2005 for landscaping work she performed in conjunction with NMC to repair common area damaged by a water main

repair. At the end of 2005, Jim told Ms. Schofield the Association would not reimburse her for any additional funds spent on landscaping. The Board members present agreed residents should not be allowed to do any work on common property without prior approval of the Board.

Stolburg Landscaping proposal: Jim gave the Board a proposal from Stolburg Landscaping for some new plantings and brush clean up in 5 areas in the community. Jim suggested one item be deleted however additional input is needed from residents in the area affected. The proposal for the 4 remaining areas totals \$2,640. Jim will solicit approval from the Board via email since there was not a quorum present to vote on the proposal.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JUNE 12, 2008**

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

Board members not in attendance: John Brown

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

Officer and Committee Reports: Lori Nicely spoke about the recent article that appeared in the Washington Posts' At Home magazine. It featured waterfront properties such as New Mark Commons and interviewed several residents who live near the lake for the article. There was a great photograph of Lori and Meghan walking their dog Jillie around the lake.

John Hansman reported that he and Jim met to review the Association's bank statements and observed the reconciliation process. He stated the process was straight forward and complete.

Upon a motion by Alex and seconded by John Hansman, the minutes of the April 2008 Board meeting were approved.

Upon a motion by John Hansman and seconded by Joe, the minutes of the May 2008 Board meeting were approved.

Administrators Report

Dues: Jim told the Board forty three residents have not paid the second installment of their Association dues. This number includes three residents who have not paid for the entire year. Jim will send second request letters to all residents who have not paid. If there is no response by June 30th, the accounts will be turned over to the Association's attorney for collection. Jim will keep the Board updated.

Pool update: The pool repairs have been completed. Our life guard staff has been set for the summer. Our manager worked at NMC last year and is familiar with our pool. The other two guards are working in the US for the first time. They are still acclimating to life in Rockville.

Lake Update: Virginia Lake Management (VLM) performed two inspections in May. The lake fountain quit operating on June 10th. Kyle Finerfrock, VLM representative removed the fountain. He took it to his shop to diagnose and possibly repair the motor. It was determined the motor would have to be returned to the manufacturer for repair.

The estimate for the repair, including shipping and reinstallation was \$2,600. Jim solicited a proposal from VLM to supply and install a new fountain. A new fountain of similar capacity, installed with a five year warranty was \$5,398. After discussion, Alex made a motion that we accept the new fountain proposal from Virginia Lake Management for \$5,398 contingent that the new fountain would have a similar spray pattern. Dunja seconded the motion, which passed by a vote of five to one. Joe, Alex, Dunja, Lori and Margaret approved the motion. John Hansman voted in opposition to a new fountain.

4th of July celebration: Jim told the Board we have hired a DJ, looking at various entertainment options. We also received a proposal from Cozy Restaurant to cater the event. Cozy would serve the same menu as last year for \$1,861.80. After discussion, John Hansman made a motion that we accept the catering proposal from Cozy Restaurant for \$1,861.80. Margaret seconded the motion, which passed unanimously.

Old Business

NMC website: Lori gave the Board a proposal from Blue Heron Media for an initial redesign the NMC website. Jim and Dunja mentioned they knew NMC residents who would be good candidates to update and maintain the website after the redesign. After discussion, Dunja made a motion that we accept the proposal from Blue Heron Media for the initial redesign of the NMC website for \$1,620. Lori seconded the motion which passed unanimously.

New Business

Bonifant Tree Service proposal: Jim solicited a proposal from Bonifant's Tree Service for pruning and removal of trees in twenty one locations throughout community. The proposal was for \$9,920 which included \$2,300 of work for individual residents. After discussion, Margaret made a motion that we accept the Bonifant proposal for \$7,620, the NMC portion of the proposal. Alex seconded the motion which passed unanimously.

Stolburg Landscaping proposal: Jim gave the Board three proposals from Stolburg Landscaping. One proposal for planting ornamental grasses on the dam face; one to remove the dying white birch trees and replace them with willows and one to build a walkway and install stones in swales to retard erosion. The two planting proposals will be reconsidered in the fall. The Board members wanted to visit the site before making a decision.

Miscellaneous: Lori asked Jim about the status of several on-going projects: painting the new brick retaining wall, installing new metal signs in the parking lots and soliciting bids for various paving and parking lot stripping jobs.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, JULY 3, 2008**

ATTENDEES: Joe Jordan, Margaret Chao, Lori Nicely, Dunja Baker, John Hansman, John Brown, Stewart McKenzie, Linda Huntington and Jim Denny.

Board members not in attendance: Alex Manolatos

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

Officer and Committee Reports: Stewart McKenzie and Linda Huntington were present to discuss proposed Tree Committee projects. The first project is planting approximately 30 trees, 2" caliper to replace canopy trees that have been removed over the years. The second project will use volunteer community labor to plant saplings on common areas.

Upon a motion by Margaret and seconded by John Hansman, the minutes of the June 2008 Board meeting were approved with the changes noted.

Administrators Report

Dues: Jim told the Board fourteen residents have not paid the second installment of their Association dues. This number includes three residents who have not paid for the entire year. Jim will send third request letters to all residents who have not paid. If there is no response, the accounts will be turned over to the Association's attorney for collection.

Pool update: The pool is running smoothly. There have been two fecal accidents this year. There was concern expressed about the life guard's lack of English skills. Jim will discuss with Continental Pools management. Jim will contact the Association's attorney to discuss the community's exposure by having a non-resident giving swimming lessons in our pool.

4th of July celebration: Jim told the Board we are ready for the party tomorrow. The DJ, magician, caterer and additional life guards have been hired.

Insurance: Jim met with a loss prevention specialist from Ohio Casualty, our liability insurance carrier. After walking thru the clubhouse, maintenance garage and around the pool he made several suggestions: install a sign with the diving board rules near the diving board, hang several fire extinguishers and replace the emergency light batteries.

2nd quarter financials: Jim gave the Board an update on the financial status of the Association as of June 30, 2008. He presented the actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as June 30, 2008.

Old Business

Lake Update: The new fountain installed by Virginia Lake Management (VLM) is working very well. We have received a lot of favorable comments on the new spray pattern. The chemical treatment of the lake for unwanted aquatic growth was performed in accordance with the terms of our permit issued by Maryland Department of the Environment.

On-going projects: Lori asked Jim about the status of several on-going projects: painting the new brick retaining wall, installing new metal signs in the parking lots and soliciting bids for various paving and parking lot stripping jobs.

New Business

Bonifant Tree Service proposal: Jim solicited two proposals from Bonifant's Tree Service for pruning and removal of trees in several locations throughout community. The proposals were for \$1,350 and \$3,050. After discussion, John Brown made a motion that we accept the Bonifant proposal for \$1,350. Alex seconded the motion which passed by a vote of 5 to 1. Joe voted in opposition. Lori made a motion that we accept the Bonifant proposal for \$3,050. Alex seconded the motion which passed unanimously.

Pool Shade structure: Jim gave the Board a revised proposal from SUNGUARD mid Atlantic for a shade structure over the shallow end of the pool. The proposal was for \$7,591.48. This is an increase of \$1,018 over the price quoted in 2007. The installation portion of the increase was \$750. After discussion, John Brown made a motion that we accept the proposal with last years' price of \$6,574. with black poles and shade color to match existing pool furniture. Dunja seconded the motion which passed unanimously.

Stolburg Landscaping proposal: Jim gave the Board a proposal from Stolburg Landscaping to clear, delineate and install Delaware river stone in two areas prone to erosion. The third item was to install a 4' wide asphalt side walk connecting the 810-812 NME side walk with the bike path. Margaret mentioned she had a landscape contractor who would be interested in giving us a proposal for the work. After discussion, John Hansman made a motion that we accept the proposal, not to exceed

\$2,375. Margaret seconded the motion which passed unanimously. John Brown made a motion that we accept the proposal for the asphalt side walk connecting the bike path and the 810-812 NME sidewalk for \$1,700. Lori second the motion which passed by a vote of 4 to 2. Joe and John Hansman voted in opposition to the asphalt sidewalk.

Lori mentioned she would like to pursue having the concrete wall bordering the lake behind 100 to 184 New Mark Esplanade power washed. She also mentioned a resident who lives along the lake was inquiring about installing a second fountain. At one time, there were two fountains installed in the lake. Jim will check with Virginia Lake Management to determine if power washing would have any negative impact on the lake water quality and explore the additional fountain request.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, AUGUST 7, 2008**

ATTENDEES: Joe Jordan, Margaret Chao, Lori Nicely, Hilde Stempel, Bob Hauenstein, Rocio Estrada and Jim Denny.

Board members not in attendance: Alex Manolatos, Dunja Baker, John Hansman, John Brown

Board president, Joe Jordan, mentioned there was not a quorum. The meeting would continue, but no business requiring Board approval would be acted upon.

Community Forum: Hilde Stempel and Bob Hauenstein were present for Community Forum. Hilde mentioned the life guards were using the leaf blower to clean the pool deck after the pool had opened for the day. She asked that we instruct the guards to only use the leaf blower before the pool opens. Bob Hauenstein thanked the Board for hiring Virginia Lake Management Company. He told the Board the lake looks great! Rocio Estrada, City of Rockville Neighborhood Service Coordinator had several handouts for the community. They were: City bike maps, calendar of coming events and copies of the City's newspaper Rockville Reports. The Board had a couple of questions for Rocio: what is the time table for the new refuse collection system to be implemented in NMC; can the Ride On bus stop near NME and Maryland Avenue be relocated?

Officer and Committee Reports: Lori had several samples of the new home page for the NMC website. She also had the proposed headings, tabs and links for the new site.

Administrators Report

Dues: Jim told the Board eight residents have not paid the second installment of their HOA dues. This number includes three residents who have not paid for the entire year. All eight accounts have been turned over to the Association's attorney for collection.

Pool update: Jim told the Board he attended a Pool Committee meeting on July 30th. The committee felt the pool is running smoothly. The increase in the number of fecal accidents is disturbing, but the guards have been enforcing the diaper policy.

4th of July celebration: Jim told the Board the celebration was a success. The food provided by the Cozy Restaurant was great. The DJ and magician were a big hit with the kids.

Old Business

Lake Update: Jim gave the Board two proposals from Virginia Lake Management (VLM). One proposal was for lake mapping and bathymetry and the other was for biological dredging and nutrient mitigation. The Board suggest we ask Kevin Tucker, president of VLM, to attend a Board meeting this fall to discuss the proposals. Jim told the Board he spoke to Kevin Tucker about power washing the concrete walls around the lake and the request for an additional fountain. The power washing should not have any impact on the lake as long as the contractor does not use any cleaning products. Our lake has adequate aeration with the current fountain and aerators. An additional fountain would be for esthetics only.

New Business

Bonifant Tree Service proposal: Jim gave the Board a proposal from Bonifant's Tree Service to remove a large dead oak and pine tree for \$6,525. Since there was not a quorum, Jim will present the proposal next month for the Board's consideration.

Pool Shade structure: Jim gave the Board a new proposal from SUNGUARD mid Atlantic for a different style, two pole, sun shade for \$6,376. He also gave the Board a proposal for several styles of shade structures from Coastal Shade Sails Ltd. The prices ranged from \$8,670 to over \$10,000. The proposals will be discussed at the Board meeting next month.

Bike path repair & stenciling proposals: Jim gave the Board several proposals for parking lot stenciling, bike path repair and resurfacing. There were also several proposals for power washing the curbs prior to stenciling. Jim will solicit another proposal for concrete repair and get a clarification on a couple of items in the proposals.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, SEPTEMBER 4, 2008**

ATTENDEES: Joe Jordan, Margaret Chao, Lori Nicely, Alex Manolatos, Dunja Baker, John Brown, Stewart McKenzie and Jim Denny.

Board members not in attendance: John Hansman

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

Officer and Committee Reports: The Tree Committee, represented by Stewart McKenzie, was present to discuss the tree reforestation program. He told the Board the Tree Committee received a \$1,500 grant from the state. The Tree Committee selected a mix of approximately forty native hardwood trees and shrubs to be planted by volunteers throughout the community. Jim gave the Board a proposal from Stolburg Landscaping for \$7,318 to supply and plant 42 native canopy trees and shrubs in locations to be selected by the Tree Committee. After discussion, John Brown made a motion that we accept the proposal from Stolburg Landscaping. Margaret seconded the motion which passed unanimously.

Lori gave the Board a proposal from Commercial Restoration for \$6,945 to power wash the lake wall. The price was the same as quoted last year. After discussion, there were several questions about using lake water to clean the wall. We will contact Virginia Lake Management for their input. We will ask the contractor if he would be willing to do a test on a small section of wall. Jim will mention the wall washing proposal in the next newsletter.

Administrators Report

Dues: Jim told the Board eight residents have not paid the second installment of their HOA dues. This number includes three residents who have not paid for the entire year. All eight accounts have been turned over to the Association's attorney for collection.

Pool update: Jim told the Board we received a pool management proposal from Continental Pools for the 2009 season. The proposal was for \$47,500 which is a ten percent increase over 2008.

Bus stop relocation: Jim told the Board he sent two photographs of the bus stop we would like relocated to Rebecca Torma, Transportation Planner for the City of Rockville. The first photo identified the stop. The second photo identified a suitable, safer location approximately thirty yards from the current site. He wanted to make sure the City and Ride On management understood we did not want the bus stop removed or eliminated but moved to a safer, nearby location on Maryland Avenue.

Storm preparation: Jim told the Board he spent several hours preparing for the approaching tropical storm. He cleared the lake spillway, riser tube and surface storm drains throughout the community.

Old Business

On going projects: Jim told the Board several projects are on going. The new brick retaining wall behind the clubhouse has been painted, the graffiti on the maintenance garage has been painted over and several new parking signs have been installed.

New Business

Board of Director Open House: Jim told the Board last years' open house was held on November 3rd. After discussion, it was agreed the event will be held on October 25th from 5 to 7 p.m. in the clubhouse.

Officers and Directors liability insurance policy renewal: We received the renewal premium for the Officers and Directors policy. It was \$2,242 which was \$105 less than the 2007 premium. After discussion, Margaret made a motion that we accept the renewal policy for \$2,242. Alex seconded the motion which passed unanimously.

Bonifant Tree Service proposal: Jim gave the Board a proposal from Bonifant's Tree Service to remove a large dead oak tree, a dead smaller oak tree and pine tree for \$6,525. After discussion, Lori made a motion that we accept the proposal from Bonifant's Tree Service for \$1,350 to remove the dead pine tree and treat two adjacent pine trees for bark beetle. John Brown seconded the motion, which passed unanimously.

Lake bank plantings: Jim gave the Board a proposal from Stolburg Landscaping to plant 200 ornamental grass plants on the face of the lake dam. After discussion, the Stolburg proposal was tabled for further discussion with the Landscape Committee. Margaret said she would attend the next Landscape Committee meeting.

Pool Shade structure: Jim gave the Board a new proposal from Sunguard Mid Atlantic for a different style, two pole, sun shade for \$6,376. He also gave the Board a proposal for several styles of shade structures from Coastal Shade Sails Ltd. The prices ranged from \$8,670 to over \$10,000. The two pole structure from Mid Atlantic Sunguard was deemed not acceptable and the proposals from Coastal Shades were too expensive. Jim will contact Mid Atlantic Sunguard to see if there is an off season price for the four pole structure discussed at prior Board meetings.

Concrete repair, bike path repair and resurfacing, parking lot repair, curb cleaning & curb stenciling proposals: Jim gave the Board several proposals for the above infrastructure repairs. After discussion, the Board agreed to accept the following proposals: Concrete and parking lot repair from Asphalt Restoration Technologies Inc. (ART) for \$38,230; the curb cleaning proposal from Commercial Restorations for \$2,988; and the curb stenciling proposal from American Striping for \$3,344. The total of the proposals was \$44,562. Margaret made a motion that we accept the three proposals for a total not exceeding \$45,000. Alex seconded the motion, which passed unanimously.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, OCTOBER 2, 2008**

ATTENDEES: Joe Jordan, Margaret Chao, Lori Nicely, Alex Manolatos, Dunja Baker, John Brown, John Hansman and Jim Denny.

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

Upon a motion by Margaret and seconded by Dunja, the minutes of the September 2008 Board meeting were approved with the changes noted.

Officer and Committee Reports: Lori gave a recap of the requirements for the new website. A new requirement was added to have a “contact us” link on the home page. Lori will work with the developer and plans to have a demo of the new site for Board review by the November board meeting.

Administrators Report

Dues: Jim told the Board seven residents have not paid the second installment of their HOA dues. This number includes three residents who have not paid for the entire year. All seven accounts have been turned over to the Association’s attorney for collection.

Jim presented the board a request from a resident requesting the legal fees associated with attempting to collect their association dues be waived. The Board unanimously agreed not to waive the legal fees.

Financial Review: Jim gave the Board an update on the financial status of the Association as of September 30, 2008. He presented the Balance Sheet, Income Statements, actual expenses year-to-date versus the budget and reviewed the Association’s Operating and Reserve Funds balances as of September 30, 2008.

Old Business

Pool sun shade structure: Jim presented the Board with a revised proposal from Sunguard Mid Atlantic for the pool sun shade. The revised price was \$6,509 which is \$1,082 less than the price quoted in July 2008. Jim agreed to remove soil excavated from the footing which reduced the installation price. After discussion, John Brown made a motion that we accept the proposal from Sunguard Mid Atlantic for \$6,509. Dunja seconded the motion which passed unanimously.

Community Reforestation: Stolburg Landscaping has started planting the forty one canopy and understory trees throughout the community. The community volunteer planting is scheduled for November 1st.

Lake Wall power washing: Lori gave the Board a proposal from Commercial Restorations Inc.(CRI) to power wash the lake wall for \$6,945. The Association used CRI to power wash the curbs in the townhouse parking lots. They power washed a 3' X 5' section of lake wall as a demonstration. The results were very good. After discussion, John Brown made a motion that we accept the proposal from CRI for \$6,945 to power wash the lake wall. Dunja seconded the motion which passed by a vote of five members in favor and two members opposed. Margaret, Dunja, Lori, Alex and John Brown voted in favor. Joe and John Hansman opposed the proposal.

Board of Director Open House: Jim mentioned the Board of Director's Open House will be held on October 25th from 5 to 7 p.m. in the clubhouse.

New Business

Reserve analysis proposal: Jim gave the Board a proposal from Reserve Advisors, Inc. to perform a reserve analysis of the Association's property and financial position. Reserve Advisors Inc. performed a reserve study for the Association in 2002 and is able to offer a Reserve Study Update for \$3,950. After discussion, John Hansman made a motion that we accept the proposal from Reserve Advisors Inc. for \$3,950. Dunja seconded the motion which passed unanimously.

City of Rockville's tree removal list: Jim gave the Board a list he received from Wayne Noll, City Forrester. The City has marked twenty nine dead, dying or damaged trees for removal. Rob Orndorff, City Horticulturalist also gave us a list of the tree species that will replace the trees removed. The City plans on having the trees removed and the stumps ground out by December 31, 2008. The new trees will be planted by May 2009.

Miscellaneous: Joe mentioned he had an inquiry from a neighboring HOA inquiring how NMC would feel about the opening of New Mark Esplanade to Monroe Street. Joe told them NMC would be vehemently opposed to opening New Mark Esplanade. Joe and Jim will make inquiries into the process of having that section of right of way abandoned.

Joe also mentioned he spoke to a reporter for the Gazette newspaper, who agreed to cover our community tree planting event.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, NOVEMBER 6, 2008**

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

Board Members Absent: John Brown

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

Upon a motion by Margaret and seconded by Joe, the minutes of the October 2008 Board meeting were approved.

Officer and Committee Reports: Lori gave an update on the status of the website redesign. Dunja initiated discussion about replacing concrete driveways with asphalt throughout the community. Asphalt is significantly less expensive than concrete. The savings realized may make it more cost attractive to residents who want to replace their deteriorating concrete driveway. No action was taken at this time.

Administrators Report

Dues: Jim told the Board seven residents have not paid the second installment of their HOA dues. This number includes three residents who have not paid for the entire year. All seven accounts have been turned over to the Association's attorney for collection. Joe suggested we meet with the Association's attorney to determine the most cost effective way to file a lien on the home of residents who do not pay their dues.

Board of Director's Open House: The Open House was a success. Between seventy five to one hundred residents attended.

2009 proposed budget: Jim gave the Board the proposed budget for 2009. He also included year to date income and expenditures for 2008 versus the 2008 budget. The Consumer Price Index (CPI) is the reference used to determine the amount the dues may be increased for a calendar year. The CPI increase for the Washington metropolitan area for the period of September 2007 to September 2008 was 5.5%. After discussion, the Board decided a 5.5% may be too burdensome given the current economic climate. John Hansman made a motion to increase the dues by 2.75% for 2009. Margaret seconded the motion which passed unanimously. Margaret made a motion to increase the non-resident pool membership rate from \$475 to \$500. Alex seconded the motion which passed unanimously. The Board instructed Jim to publish the proposed 2009 budget in the next newsletter.

Old Business

Pool sun shade structure: Jim told the Board the sun shade should be installed in November.

Community Reforestation: The community tree planting held on November 1st was a success. Approximately twenty five residents showed up and over fifty trees and bushes were planted. That brings the total to over ninety trees and bushes planted throughout the community this fall. Joe mentioned he submitted NMC to be considered for an Environmental Excellence Award from the City for the community's tree planting efforts.

Power washing and stenciling: The power washing of the lake wall and parking lot curbs have been completed. The parking lots have all been stenciled.

Parking lot maintenance: Asphalt Restoration Technology (ART) applied pavement dressing conditioner to the 200 to 342 blocks of New Mark Esplanade. The 800 to 902 block parking lots will be scheduled later in the month.

Reserve study: We have sent a deposit for the reserve study. There will be an initial meeting with the reserve specialist this month. Jim will let the Board know when the meeting is scheduled.

New Business:

Change Board meeting start time: There was proposal to change the start time from 7:30 p.m. to 7:00 p.m. After discussion, it was agreed to keep the meeting start time at 7:30 p.m.

Snow removal proposals: We received a proposal from Sivert Enterprises Inc. and Stolburg Landscaping Inc. for snow removal this winter. After discussion, John Hansman made a motion that we accept the proposal from Sivert Enterprises. Alex seconded the motion which passed unanimously.

Miscellaneous: Joe asked about the trash situation at Fire Side Apartments. Jim told the Board the City has been responsive and resolved the uncovered trash receptacles. They are still pursuing getting the large dumpster emptied or removed. Joe mentioned there has been discussion about having an International Dinner in 2009. Raj Gupta has agreed to chair the International Dinner Planning Committee this year. It was also mentioned that we should publish the City's Snow Removal Guidelines in the newsletter.

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
THURSDAY, DECEMBER 4, 2008**

ATTENDEES: Joe Jordan, Margaret Chao, John Hansman, John Brown, Linda Huntington, Elliott Light, Rocio Estrada and Jim Denny.

Board Members Absent: Alex Manolatos, Dunja Baker and Lori Nicely

Community Forum: Elliott Light and Linda Huntington were present to discuss energy usage and the possibility of utilizing solar energy at the clubhouse. Elliott reviewed the electric bills for the clubhouse. Electric usage is highest in the summer when the pool circulation pumps are operating 24/7 for at least four months. The clubhouse also supplies electricity to the path lights leading to the clubhouse parking lot. Solar energy could offset some cost, but the saving would have to be weighed against initial cost. The first step would be to reduce energy consumption and then reevaluate the saving. Jim, Linda and Elliott will work together to further analyze energy consumption. Elliott offered to review the clubhouse natural gas bills.

Rocio Estrada, Neighborhood Service Resource Coordinator from the City of Rockville, was present and discussed the following items with the Board:

- She gave the Board handouts on the new refuse and recycle system. The City is currently in Phase 1 of the rollout of the program. New Mark Commons is scheduled for Phase IV but no date has been set yet.
- The new zoning ordinance is scheduled for adoption on December 15, 2008. The demolition of the old library should be completed by December 12, 2008.
- Construction on the new District Courthouse is scheduled to start in April 2009.
- There is a snow removal program for seniors. This program also qualifies as a community service opportunity for school students.
- Verizon is developing an outreach program for community organizations to keep them informed about VIOS installation in their neighborhoods.
- Margaret mentioned the students from Julius West Middle School walk down the middle of New Mark Esplanade going to and from school. Occasionally they force automobiles to slow to a crawl or stop completely. They are sullen and arrogant when they are asked to move. She asked if we could get a police officer to come through the community around 2:30 p.m. to discourage this behavior. Rocio said she would send a note to the Chief of Police.

Officer and Committee Reports: Margaret presented the discussion points from the Landscape Committee meeting she attended on December 1, 2008. The Landscape Committee would still like to pursue planting some form of native grasses on the southern lake bank. They also suggest installing rain barrels at the clubhouse. Helen Wolfe had a dogwood tree planted behind the clubhouse in memory of her husband. Stewart McKenzie has a slide presentation on the various paths throughout

New Mark which may be suitable to present at the annual meeting.

Upon a motion by Joe and seconded by John Hansman, the minutes of the November 2008 Board meeting were approved with the changes noted.

Administrators Report

Dues: Jim told the Board five residents still have not paid the second installment of their HOA dues. This number includes three residents who have not paid for the entire year. All five accounts were turned over to the Association's attorney for collection. We received payment in full, including legal fees, from one resident on December 1, 2008. Jim gave the Board a breakdown of the dues owed and the legal fees associated with the collection process. We will meet with the Association's attorney to determine the most cost effective way to file a lien on the home of residents who do not pay their dues.

Betty Hileman meeting on December 1st: Jim told the Board he had a phone conversation with the Association's attorney, Betty Hileman, concerning the cost associated with collecting past due accounts. The Board wants to determine the most cost effective way to file a lien on the home of residents who do not pay their dues. The following are the steps her office takes in attempting to collect past due accounts:

- The first step is to send either a collection letter or a balance due letter.
 - Collection letter – just missed one payment
 - Balance due letter – missed both payments
- After 30 days – send a notice to create a lien. Serve or send certified mail, return receipt requested or affix to the door of the residence.
- Wait another 30 days – prepare lien and file with Circuit Court.
- Lien protects us against the sale of the home.
- Do we want to proceed or just leave lien in place?
- Next step is to bring suit in the District Court of Montgomery County.
- Send a suit warning letter to debtor – it informs them a lien has been filed and we may file suit in District Court.
- File a suit with evidence of the debt – debtor can contest or not. Few suits reach trial. We obtain a judgment, usually awarded principle + 15% for legal fees.
- There are internet tools the attorney can use to locate bank accounts and employment records in attempt to find an account to garnish.
- Absentee landlords and out of state owners are a particular problem.
- Betty also suggests filing a notice of intent to accelerate collections on the accounts that remain open at the end of the year. That way we do not have to wait to start the collections process for 2009 dues.
- A suit will show on a resident's credit report. The major credit agencies look for and collect derogatory information available from public information found in the court systems. Suits are hard to clear from a credit report. If the suit is satisfied, that is noted on the credit report, but the suit notice is left in place.

Reserve study: Jim met with Matt Ksionzyk, Civil Engineer and Reserve Specialist, from Reserve Advisors Inc. to begin the update to our reserve study. Jim provided financial data on reserve expenditures since the last study was done in 2002 and our annual reserve contributions during that period. He then took Matt on a tour of the community, including the clubhouse, maintenance garage and lake.

2009 proposed budget: Jim gave the Board the proposed budget for 2009. He also included year to date income and expenditures for 2008 versus the 2008 budget. The proposed budget was published in the November/December newsletter. We received a note from one resident requesting landscaping improvement in one area of the community. After reviewing the proposed budget, the Board awarded a \$3,000 bonus to the administrator. After further discussion, John Brown made a motion that we approved the 2009 proposed budget with the changes noted. Margaret seconded the motion which passed unanimously. Jim will present the final budget with all changes noted at the January 2009 Board meeting.

Old Business

Pool sun shade structure: Jim told the Board the support structure was installed and the fabric cover will be installed in April or May.

Concrete work: The concrete repair and replacement work throughout the community has been completed. This included new steps at the clubhouse. Two new sets of steps leading to the clubhouse parking lot and a new concrete apron around a storm drain.

Linda Silversmith note on erosion and leaf collection: The Board discussed erosion issues and leaf recycling in certain areas of the community. Linda's note was also discussed at the Landscape Committee meeting on December 1, 2008. The Board suggested the Landscape Committee, Linda, Jim and Matt Stolburg meet, walk the areas of concern and develop a plan to repair and prevent further erosion.

New Business:

John Brown had to leave the meeting early. Since there was no longer a quorum present, the following New Business topics were deferred until the January 2009 meeting:

New front doors for the clubhouse.

New iron railing for the clubhouse.

Stolburg Landscaping proposal.