

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JANUARY 6, 2011**

**ATTENDEES:** John Hansman, Margaret Chao, Lori Nicely, Dunja Baker, Dan Barresi, Roger Zions, and Jim Denny.

**Board members not in attendance:** Alex Manolatos & Jeff Miller

**Community Forum:** Roger Zions was present to discuss a neighbor's dog that barks excessively. The Board suggested Roger document the dates and times the barking occurs and then contact the City of Rockville, Neighborhood Service department and report the excessive barking.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by John and seconded by Margaret, the minutes of the December 2010 Board meeting were approved.

**Administrators Report**

**Dues:** Jim told the Board seven residents have not paid the second installment of their home owners' association dues. This includes four residents who have not paid for the entire year. Two of the residents in arrears have worked out a payment plan and are making monthly payments. We received a letter from an attorney informing us that one of the residences that is in arrears will be sold at a public auction on January 7, 2011.

**2011 proposed budget:** Jim gave the Board the proposed budget for 2011. He also included year to date income and expenditures for 2010 versus the 2010 budget as of December 31, 2010. Jim told the Board he received correspondence from two residents concerning the budget.

Jim forecast we will be over budget by approximately \$28,817. Snow removal and additional landscape maintenance required to clean up after the winter and fall storms accounted for \$26,000 of the over budget amount. We have sufficient retained earnings to cover the budget deficit.

**Board members term expiration:** The terms of three board members Margaret Chao-Yu, John Hansman and Alex Manolatos expire in March 2011.

## **Old Business**

**Sky Builders proposal:** We received a proposal from Sky Builders to build a handicap ramp to the upper level of the clubhouse from the clubhouse driveway. Jim told the Board the contractor will stake out the proposed location of the ramp when the weather improves. The ramp was located and designed to have the least impact to the landscaping and still meet ADA requirements.

**International Dinner:** The preliminary meeting for the 2011 International Dinner is scheduled for January 26<sup>th</sup> at the home of Mary Ziomek.

## **New Business**

**Tankless Concepts proposal:** We received a proposal from Tankless Concepts to replace the hot water heater in the clubhouse with an on demand hot water system. The clubhouse demand for hot water is primarily in the summer during the pool season. We will solicit additional proposals for on demand systems and a conventional style hot water heater.

**DeLeon & Stang engagement letter:** We received a renewal proposal from DeLeon and Stang, Certified Public Accountants to perform audit and tax services for the Association. The proposal is for three years. There is no increase for the 2010 audit. There will be a 2% increase for the 2011 audit and a 4% increase for the 2012 audit. After discussion, Margaret made a motion that we accept the DeLeon and Stang proposal for audit and tax services in the amount of \$5,350. John seconded the motion which passed unanimously.

**Jehovah's Witness Church development plan:** We received a letter from the law firm of Miller, Miller and Canby advising NMC that their client, Jehovah's Witness Church, has filed a Pre-Application has been submitted to the City of Rockville seeking approval of a site plan to allow development of a 5,000 square foot building for the property at 626 & 628 Great Falls Road. The area meeting is scheduled for January 6<sup>th</sup>, the same day as the NMC Board of Director's meeting. Margaret will contact Jody Kline at Miller, Miller and Canby to arrange a meeting with representatives of the church and NMC residents to review the proposed development plans.

**Date for Annual meeting:** After discussion, Wednesday, March 16, 2011 was selected as the date for the NMC Annual meeting. The Board decided we will not have a guest speaker this year.

Additional items:

Lori mentioned we should work to have the revisions to the Architectural Control Guidelines completed by the annual meeting. The revisions discussed at an earlier planning meeting were pre approved exterior front door and storm door options and possibly pre approved exterior light fixtures and house numbers.

The Board needs to identify capital improvement plans for 2011. Several items mentioned were: paint and/or power the exterior of the clubhouse, new hot water heater and furnace for the clubhouse, new partitions in the men's and women's restrooms, handicap ramps in parking lots.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, FEBRUARY 9, 2011**

**ATTENDEES:** John Hansman, Margaret Chao, Lori Nicely, Jeff Miller, Dunja Baker, Dan Barresi, Andrew Luetkemeier from the City of Rockville, Boris and Anna Lyubovitsky who live at 272 New Mark Esplanade and Jim Denny.

**Board members not in attendance:** Alex Manolatos

**Community Forum:** Andrew Luetkemeier, P.E. with the City of Rockville Traffic and Transportation Department was present to discuss City maintained street lights in New Mark Commons (NMC). Many of the lights in the neighborhood are old, and over time have become increasingly more difficult to maintain. The City plan is to replace many of the fixtures and make them all a consistent style. They would prefer to use the black carriage style that is currently installed on Welwyn Way and the side streets off Welwyn and Bentana Way. The flying saucer contemporary style installed in the rest of the community would be replaced by the black carriage style fixture. The Board asked if there any other style fixtures in the City's lighting inventory that would be suitable for NMC. Andrew said he could check and send us links to the style of lights available. NMC has several different types of street light poles. The Board asked if the poles would be replaced or painted to make them uniform throughout the community.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Lori and seconded by Dan, the minutes of the January 2011 Board meeting were approved with the changes noted.

**Administrators Report**

**Dues:** Jim told the Board fifty eight residents have not paid the first installment of their home owners' association dues. In addition there are seven residents who have outstanding dues balances from prior years. NMC has liens in place on four of the properties and active civil cases in District Court small claims court.

**Board member terms expiration:** Jim mentioned the term of three board members, Margaret Chao-Yu, John Hansman and Alex Manolatos are going to expire in March 2011.

**Snow and ice removal:** As of February 9<sup>th</sup>, NMC has spent \$10,325 on snow and ice removal.

**Storm damage cleanup:** As of February 9<sup>th</sup>, NMC will spend approximately \$4,500 on storm related clean up. We will incur additional charges after the snow melts and more debris becomes visible.

### **Old Business**

**International Dinner:** The preliminary meeting for the 2011 International Dinner that was scheduled for January 26<sup>th</sup> was cancelled due to the snow storm. The Board discussed several dates the clubhouse is available. The first date is April 30<sup>th</sup> and the second date is April 16<sup>th</sup>. We will try and organize a meeting with the International Dinner Committee in the coming month.

**DeLeon & Stang audit:** The DeLeon and Stang audit team will be on site to conduct our annual audit on February 21<sup>st</sup>. The audit usually last two days and Board members are welcome to stop by and meet the auditors.

**Jehovah's Witness Church development plan:** We received a letter from the law firm of Miller, Miller and Canby advising NMC that their client, Jehovah's Witness Church, has filed a Pre-Application to the City of Rockville seeking approval of a site plan to allow development of a 5,000 square foot building for the property at 626 & 628 Great Falls Road. Margaret has contacted the Church's attorney in attempt to coordinate a meeting with NMC to review the project site plans. Jim will obtain a copy of the site plans from the City's Planning and Permits Department before the next Board meeting.

### **New Business**

**Russell Insurance:** We received the renewal invoice for the Association's Crime and Employee Dishonesty insurance policy. After discussion, Jeff motioned that we approve the renewal premium for \$1,325. Lori seconded the motion which passed unanimously.

**Fireside Park LLC site plan application:** NMC received notice from Fireside Park LLC that they submitted an application to the City for approval to construct a leasing office and community center at 707 Monroe Street on the grounds of the existing apartment complex. Jim will obtain a copy of the site plan before the next Board meeting.

**HOA fees used to support the NMC Swim Team:** Jim received an email from a resident who expressed concern that NMC dues were being used to support the NMC Swim Team. The Board contributed approximately \$7,200 in support of the swim team in 2010. The swim team's coach salary and taxes were \$7,036 and the food service license for the sale of ice cream was \$175. The Board discussed the swim team at length. It was noted that over half the non-resident pool memberships NMC sold in 2010 were directly associated to the swim team. In most cases, the parents wanted their kids to experience the swim team as they done when they were growing up. Non-resident

children accounted for close to half of the members of the NMC Swim Team. In addition, the non-resident memberships generated \$16,000 revenue in 2010. The additional revenue generated by the non-resident memberships more than offset NMC's contribution to the swim team.

**Inquiry for a residential hair salon:** Jim received an inquiry from a resident who was considering opening a hair salon in their home. They asked if there were any NMC regulations governing this type of home business. The Board reviewed NMC's Declaration of Covenants, Article XI, Sections 1 and 2.

Section 1. Residential Use. All Living Units shall be used for private residential purposes exclusively, except that a professional office may be maintained in a Living Unit, provided that such maintenance and use is limited to the person actually residing in the dwelling and one other professional associate, and, provided further, that such maintenance and use is in strict conformity with the provisions of any relevant zoning law or ordinance.

Section 2. Context. As used herein, the term "professional office" shall mean rooms used for office purposes but not by more than two members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, but not including medical or dental clinics.

After discussion, the Board agreed that a hair salon is not in keeping with the intent of our governing documents.

**Annual Community Clean Up:** The Board selected Saturday, March 12<sup>th</sup> as the date for the annual cleanup of the wooded common area around the bike path, clubhouse and playground.

Additional items:

Lori and Dunja had pictures of proposed new front doors that would be acceptable under the revised Architectural Control Guidelines. They identified a new, updated exterior light fixture for the townhouses and contemporary detached homes. They also discussed the location of house numbers to be used in conjunction with the new light fixtures. They will present these changes at the March Board meeting and the NMC annual meeting to be held on Wednesday, March 16<sup>th</sup>.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MARCH 3, 2011**

**ATTENDEES:** John Hansman, Margaret Chao, Lori Nicely, Jeff Miller, Dunja Baker, John Brown, David Levy and Rocio Estrada from the City of Rockville and Jim Denny.

**Board members not in attendance:** Dan Barresi and Alex Manolatos

**Community Forum:** Rocio Estrada from the City was present to discuss several items with the Board. The City has a new program for students in grades 10 to 12 called "School of Rockville". It gives the students an opportunity to learn about local government, get involved in their community and become a leader. She gave the Board a quick reference guide to City and County phone numbers. The new District Court House opening is now scheduled for May or June. The City is holding public hearings on the proposed 2012 City budget.

David Levy, Chief of Long Range Planning and Redevelopment for the City spoke to the Board about the Rockville Pike Plan. The study area contains 410 acres surrounding a 2.2 mile stretch of Rockville Pike between Richard Montgomery Drive on the north and Bou Avenue on the south, including the land on either side of the pike. There are numerous issues being considered, including land use, transportation and open space. He mentioned that while the area under study is in Rockville, there are other County and State agencies involved in the planning, review and approval process. The ultimate goal is to make the pike, Rockville's main thoroughfare, a great place for people to work, live, gather and move around.

John Brown was present to discuss a soil erosion problem on community owned property. The area is along the bike path behind the maintenance garage. Storm water runoff is creating a gully and washing soil down the hill. The runoff has been reduced in part or the area buy rip rap installed several years ago. John asked that the rip rap also be installed further up the hill.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Lori and seconded by Dunja, the minutes of the February 2011 Board meeting were approved.

**Administrators Report**

**Dues:** Jim told the Board thirty one residents have not paid the first installment of their home owners' association dues. In addition there are seven residents who have outstanding dues balances from prior years.

**Storm damage:** Jim told the Board that Ardis and Al Fisher's home at 406 New Mark Esplanade was severely damaged by a tree during the last rainstorm. There was damage to the roof; siding and most of roof trusses were broken.

**Stolburg Landscaping:** Our landscaping contractor has started the spring cleanup throughout the community.

**Lake fountain:** The lake fountain has been returned to the manufacture for service. The maintenance will be performed under warranty. We will only have to pay the shipping charge on the motor.

**Annual meeting:** Jim gave the Board the candidate's bios and the proposed agenda for the annual meeting.

### **Old Business**

**DeLeon & Stang audit:** The DeLeon and Stang audit team completed the annual audit and should have a draft prepared before the Annual meeting.

**Jehovah's Witness Church development plan:** Jim told the Board he met with a planner in the City's Permit and Planning Department. The Jehovah's Witness Church has not submitted any additional plans since they filed a Pre-Application to the City of Rockville seeking approval of a site plan to allow development of a 5,000 square foot building for the property at 626 & 628 Great Falls Road.

**Community Clean Up:** The NMC annual cleanup of the common area along the bike path is scheduled for March 12<sup>th</sup>.

**Pepco Update:** Jim told the Board Pepco has been working in several areas of the community installing new underground electric cable. Based on the current rate of progress, it appears they will not be finished by March 31, their original end date.

### **New Business**

**Continental Pools Inc.:** We are entering the third year of a three year contract with Continental Pools for management of the NMC swimming pool. The contract price for 2011 is \$45,838, which is a 2% increase over the 2010. After discussion, John made a motion that we accept the 2011 contract with Continental Pools for \$45,838. Jeff seconded the motion which was approved unanimously.

**Request for tree removal:** Jim gave the Board a letter from a resident requesting the removal of a large tree on common area adjacent to their property. After discussion, the Board instructed Jim to get an opinion on the health and condition of the tree from a licensed arborist.

**Miscellaneous:**

Lori mentioned several residences had sections of wooden privacy fence bordering on Maryland Avenue that had been storm damaged and should be repaired. Jim said the property manager of one of the homes was in the process of getting the fence repaired.

The City is checking to see if there is a way to replace or paint the street light posts black to match the City's proposed black "carriage style" light fixtures. Depending on the City's answer, the Board may change their position on having the City install carriage style lights throughout the community.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, APRIL 7, 2011**

**ATTENDEES:** John Hansman, Margaret Chao, Lori Nicely, Jeff Miller, Dunja Baker, John Brown, Dan Barresi, Rocio Estrada from the City of Rockville, Mr. & Mrs. B. Moradi and Jim Denny.

**Community Forum:** Rocio Estrada from the City was present to discuss several items with the Board. The new District Court House opening is now scheduled for May or June. The City is holding public hearings on the proposed 2012 City budget. Falls Road will be closed for ten working days this summer to repair the sanitary sewer. Rocio did not know the name of the grocery store moving into the space vacated by Whole Foods in the Congressional Plaza shopping center.

Mr. & Mrs. B. Moradi who reside at 878 New Mark Esplanade were present to request the Board of Director's remove the large maple tree on common property in front of their home. They feel the tree presents a hazard to their home and should be removed. Jim told the Board that Jamie Smith, a licensed arborist and owner of Bonifant Tree Service inspected the subject tree. His stated the tree appears to be in good condition. The root system is intact and shows no evidence of shifting. The crown or canopy of the tree has been reduced and the tall leaders have been cabled together. Mr. Moradi gave the Board a copy of an email he received from Wayne Noll, Forester for the City of Rockville. He did not find the tree to be hazardous but given the location, he would not oppose a request to remove the tree. Jim told the Board we received a proposal from Bonifants Tree Service for \$4,000 to remove the tree.

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

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Jeff and seconded by John Hansman, the minutes of the March 2011 meeting were approved.

**Administrators Report**

**Dues:** Jim told the Board sixteen residents have not paid the first installment of their home owners' association dues. In addition there are five residents who have outstanding dues balances from prior years. Two residents who were in arrears from prior years paid their outstanding balances in full.

**Draft of annual audit from DeLeon and Stang, CPA. :** Jim gave the Board the draft of the annual audit conducted on February 22<sup>nd</sup> and 23<sup>rd</sup>. The draft contained SAS No. 115 letter, SAS No. 114 letter, a draft of the financial statements, a representation letter which needs to be signed prior to issuing the final report, adjusting journal entries and trial balance.

**1<sup>st</sup> quarter financial reports:** Jim gave the Board an update on the financial status of the Association as of March 31, 2011. 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, 2011. In addition to the financial statement, NMC bank statements dated March 31, 2011 were included in the Board's review package. Jim told the Board we opened a new money market account at Monument Bank in Bethesda, MD. Their annual interest rate for deposits over \$100,000 is 1.45% which is significantly more than we were currently receiving from the Royal Bank of Canada.

### **Old Business**

**Jehovah's Witness Church development plan:** Jim told the Board he met with a planner in the City's Permit and Planning Department. The Jehovah's Witness Church has not submitted any additional plans to the City for their proposed project. Margaret mentioned she has repeatedly tried to arrange a meeting with the Church's attorney and New Mark Commons with no success.

**Pepco Update:** Jim told the Board Pepco has been working in several areas of the community installing new underground electric cable. Pepco still has to connect the new cables to the existing transformers.

**Request for tree removal at 878 NME:** The Board discussed the Moradi's request to remove the large Silver Maple tree in front of their house. They also discussed the request from Ardis and Al Fisher to remove or prune the Dedora Cedar tree on Association property. After discussion, the Board granted the Moradis' and the Fishers' permission to remove or prune the two trees at their expense. They can use Bonifants Tree Service or a licensed arborist of their choice to remove the trees. If the Moradi's decide to remove the tree; Jim will assist by filing the necessary paper work with the City of Rockville.

**Street Light update:** The City informed us that there is not a proven, cost effective process to paint the aluminum or fiber glass poles in the community black to match the black 'carriage style' fixtures they propose for the entire community. After discussion, the Board agreed that NMC will retain the two current street light fixtures. Jim will inform the City of our decision.

**Long & Foster ad w/NMC amenities:** There was a home for sale in the neighborhood adjacent to New Mark Commons. The real estate listing description included references

to the New Mark Commons (NMC) swimming pool, tennis courts, tot lot and 2 parks with no HOA fee. The real estate agent was advertising NMC amenities for a home outside of New Mark Commons. Jim spoke to the Association's attorney who felt the advertising was inappropriate and misleading. After extensive discussion, two options were presented. John Hansman made a motion that a letter be sent from NMC under Margaret's signature as president of the Board of Directors to Long & Foster Realty management to cease and desist the false representation that NMC facilities are available to non-residents of the community. John Brown seconded the motion. John Hansman, John Brown and Margaret voted in favor of the motion. Lori, Jeff and Dan voted in opposition to motion. Dunja abstained. The motion did not carry.

Lori made a motion that we have our attorney, Betty Hileman of Hileman and Associates, prepare a letter and send it under her signature to Long and Foster Realty management telling them to cease and desist the false representation that NMC facilities are available to non-residents of the community. Jeff seconded the motion. The motion was approved by a vote of four members in favor and three members in opposition of the motion. Lori, Jeff, Dan and Dunja voted in favor of the motion. John Brown, John Hansman and Margaret voted in opposition.

After the above motion, Jeff was able to identify the listing agent of the property that was for sale.

### **New Business**

**Continental Pools Parts & Repairs proposals:** We received two proposals from Continental Pools for parts and repairs. The Parts and Supplies proposal was for \$1,373 and the Repairs and Maintenance proposal was for \$4,704. After discussion, Margaret made a motion that we accept the Parts & Supplies proposal for \$1,373. Jeff seconded the motion which was approved unanimously. Dan made a motion that we accept the Repairs and Maintenance proposal for \$4,704. John Hansman seconded the motion which was approved unanimously.

Jim told the Board we received three proposals for a new diving board for the pool. They ranged from \$3,451 to \$4,500. After discussion, John Brown made a motion that we accept the proposal from Springboards and More for \$3,451. Jeff seconded the motion which passed unanimously.

It was also noted we need to install several 'No Trespassing' sign on the outside of the pool fence.

**Bonifant Tree Service proposal:** Jim gave the Board a proposal from Bonifant Tree Service for tree pruning and removal at twenty-two sites throughout the community. After discussion, Dan made a motion that we accept the proposal from Bonifant Tree Service for \$8,175. Dunja seconded the motion which was approved unanimously.

**Miscellaneous:**

Following up on an item from the annual meeting, Lori asked what is the clubhouse rental fee. Jim told the Board we have two fees. The fee from May 16 to September 15<sup>th</sup> is \$350. The fee from September 16 to May 15 is \$250. The summer fee was increased by \$100 to cover the additional air conditioning cost. Lori felt the increase in fee was not appropriate. Lori made a motion that the clubhouse rental fee be reduced to \$250 year around. The motion was not seconded.

Dunja asked if we knew who would be the swim team coaches this year. She feels the Mini Barracuda swim team should have a more defined program.

Margaret mentioned the International Dinner will be held on May 14<sup>th</sup>.

She also mentioned the Pool Committee met and set a date for an 'adults only' pool party on August 13<sup>th</sup>.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MAY 5, 2011**

**ATTENDEES:** John Hansman, Margaret Chao, Lori Nicely, Jeff Miller, Dunja Baker, Mr. & Mrs. R. Posner and Jim Denny.

**Board members absent:** Dan Barresi and John Brown

**Community Forum:** Mr. and Mrs. Posner reside at 5 Radburn Court. They wanted to discuss the possibility of opening a hair salon in their home. Mrs. Posner is a hair stylist and would like to work at home when her son starts middle school this coming year.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Jeff and seconded by Dunja, the minutes of the April 2011 meeting were approved as amended.

**Administrators Report**

**Dues:** Jim told the Board ten residents have not paid the first installment of their home owners' association dues. In addition there are five residents who have outstanding dues balances from prior years. Jim would like to initiate action in Small Claims court in early June for any resident who has not paid any of their 2011 HOA dues.

**Pool update:** Jim told the board he was trying to find a replacement for our Dura Firm diving board. Our swimming pool is 40 years old and the diving well does not meet the 2010 and 2011 United States Diving Inc. and NCAA springboard dimension matrix. Dura Firm will not sell us a new board. Jim is evaluating the possibility of a new diving board and stand from a different manufacture. A new diving board and stand cost between \$11,910 to \$14,621, which does not include shipping and installation.

Continental Pools discovered two pool light fixtures were not working properly. They gave us a proposal for \$900, including installation. After discussion, Jeff made a motion that we accept the proposal from Continental Pools for \$900. Dunja seconded the motion which was unanimously approved.

**Street trees along New Mark Esplanade:** Jim told the Board he met with Rob Orndorff, horticulturist for the City of Rockville. Rob told Jim the Royal White Redbud trees selected by NMC and the City several years ago to replace the Bradford Pear trees along NME are no longer available. Jim mentioned the Serviceberry tree was one of the species under consideration several years ago and Rob offered that it would be a good replacement. Serviceberry trees are currently planted along Lakeside Overlook. Jim will ask Rob for some pictures of a Serviceberry tree in bloom for the Board's consideration.

**Falls Road closure for 10 days in July:** Margaret, John Hansman and Jim attended a meeting at City Hall to discuss the Falls Road closure for 10 days in July for sanitary sewer replacement in the area. The only impact to NMC will be the temporary diversion of truck traffic to Maryland Avenue for the ten days Falls Road is closed.

### **Old Business**

**Pepco Update:** Jim told the Board the Pepco contractor has completed installation of the new underground cable in the community. Pepco should start connecting the new cables to the existing transformers this month. Margaret asked that we request a completion date from Pepco

**Street Light update:** The City informed us their lighting contractor will start installing new street light fixtures next week.

**Request for tree removal at 878 NME:** The Board received an email dated April 29, 2011 from Mr. Moradi at 878 NME in reference to the large maple tree on common property in front of his home. The Board granted Mr. Moradi permission to remove the tree at his expense at the April Board meeting.

**Long & Foster ad w/NMC amenities:** Lori said she would take the lead on this project. She will work with the Association's attorney to draft a letter to Long and Foster and their agents.

### **New Business**

**Insurance renewal proposal:** Jim gave the Board a proposal from the Russell Insurance Group to renew our commercial liability insurance, worker compensation insurance and our \$2,000,000 umbrella policies. The premium is \$21,570 which is \$157 less than last year. There was also a renewal of our additional \$8,000,000 umbrella policy. The renewal premium is \$4,633 which is \$514 more than last year. After discussion, John Hansman made a motion that we accept the renewal premiums for a total of \$26,203. Dunja seconded the motion which passed unanimously.

**Stolburg Landscaping proposal:** Jim presented a proposal from Stolburg Landscaping to furnish and install wood chips on the four walking paths throughout the community for \$825. After discussion, Lori made a motion that we accept the proposal from Stolburg Landscaping. Dunja seconded the motion which was unanimously approved.

**Proposed hair salon at 5 Radburn Court:** The Board discussed the Posner's request to operate a hair salon in their home at 5 Radburn Court. The Board reviewed NMC's Declaration of Covenants, Article XI, Sections 1 and 2.

Section 1. Residential Use. All Living Units shall be used for private residential purposes exclusively, except that a professional office may be maintained in a Living Unit, provided that such maintenance and use is limited to the person actually residing in the dwelling and one other professional associate, and, provided further, that such maintenance and use is in strict conformity with the provisions of any relevant zoning law or ordinance.

Section 2. Context. As used herein, the term "professional office" shall mean rooms used for office purposes but not by more than two members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, but not including medical or dental clinics.

The Board discussed the office vs. clinic as mentioned in the covenants and if a salon would be appropriate in the community. After discussion the Board agreed the request for a hair salon would not be approved.

**Request from Trustee of the Rockville Recreation and Parks Foundation (RRPF):**  
We received a note from Vincent Boylan, Trustee, RRPF. They are looking for volunteers to staff the beverage booth at the Hometown Holiday celebration over the Memorial Day weekend. After discussion, the Board instructed Jim to forward Vincent's email to the residents on the NMC email distribution list.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JUNE 2, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Lori Nicely, Dunja Baker, Meghan Matulka, Rhonda Gordon, Jon Bernheimer, Lisa Matta, Janet Kelly from the City of Rockville and Jim Denny.

**Board members absent:** John Hansman, Jeff Miller and Dan Barresi.

**Community Forum:** Mr. Jon Bernheimer was present to discuss the use of herbicides and pesticides on common areas throughout NMC by Stolburg Landscaping Inc., our grounds maintenance contractor. Jon believes the May application of broadleaf weed killer and pre-emergence treatment was significantly heavier than previous applications. Also, there was not adequate sign coverage throughout the community. Jon believes the chemicals made his dog ill. He presented the Board a petition signed by 51 residents of the community requesting that the Board cease the use of LESCO 3 Way Selective Herbicide and find a more pet and child friendly herbicide for application to the community's common area. In addition, there should be advance notice of pending application and significantly more sign coverage at the time of application.

Rhonda Gordon was present to discuss a plumbing problem she experienced. She had a sewer back up thru her basement floor drain. She called a plumbing contractor who cleared the blockage which was beyond her property line. She contacted the City of Rockville Public Works who cleared the sewer line from the clean out access that was beyond her property line. The question is who has the responsibility to maintain the sewer lines from a residents property line to the City's clean out access. Jim and Rhonda will walk the property and discuss with Public Works.

Meghan Matulka was present to offer advice and answer any questions on a legal issue that is scheduled later in the agenda.

Janet Kelly from the City of Rockville was present, substituting for our Neighborhood Services Coordinator who is on maternity leave. Janet gave the Board a handout on the Adequate Public Facilities Ordinance the City is considering. Margaret asked Janet to look into a situation the community is having with a resident who appears to have a hoarding issue. Janet was also asked the status of the grocery store coming to Town Center. Lori asked that the cross walk markings at the intersection of New Mark Esplanade and Maryland Avenue by repainted.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Dunja and seconded by Lori, the minutes of the May 2011 meeting were approved as amended.

## **Administrators Report**

**Dues:** Jim told the Board one hundred and twelve residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years.

**Pool update:** We have a totally new life guard staff and supervisor this year. Our manager worked at a large pool last year and is familiar with our filtration systems. Fred Frey from Pool Service Company will be on site next week to measure the diving well. While our specifications do not permit the installation of a one meter spring board, it may qualify for a different style of diving stand and board.

The Board discussed swimming lessons at the pool. Last year a new pool regulation was adopted to prohibit the commercial use of the pool during regular operating hours. After discussion, the Board agreed that swimming lessons would be permitted for NMC residents. The NMC swim team coaches or other NMC residents would be permitted to hold lessons in our pool.

We have sold 26 non-resident memberships this year for \$14,300 additional revenue for the community.

**Street trees along New Mark Esplanade:** Jim told the Board the dead street trees along New Mark Esplanade will be removed by the City this month. Replacement trees will be planted this fall.

**NMC Phone Directory:** Jim told the Board the new directory will go to the printer this week. He will research the possibility of placing the alphabetical listing and street listing on the NMC website.

**4<sup>th</sup> of July celebration:** Jim told the Board he will be looking for a new act for the kids' entertainment this year. We will use the same DJ as last year and John brown has agreed to cook again this year. The proceeds from the cook out will benefit the NMC Swim team.

**Citation from the City of Rockville:** The City cited NMC for a dead tree near our boundary with Fireside Apartments. We received a proposal from Bonifant Tree Service to remove the dead tree and a large, broken hanger from another tree along the fence line for \$2,125. After discussion, John Brown made a motion that we accept the proposal from Bonifant Tree Service. Dunja seconded the motion which passed unanimously.

## **Old Business**

**Pepco Update:** Jim told the Board the Pepco has started connecting the new cables to the existing transformers this month. Margaret asked that we request a completion date from Pepco

**Street Light update:** The City contractor has started installing new street light fixtures in the community. They also installed several new light poles on Harlow Court along with the new fixtures.

**Long & Foster ad w/NMC amenities:** Jim gave the Board a draft of three letters from our attorney addressing the advertising of NMC amenities with a property outside the neighborhood. There was discussion as to the number of letters and enclosures required along with whether to send any letter at all. Margaret will speak to the Associations' attorney. It was decided no letters will be sent without Board approval.

### **New Business**

**M. Bull email:** Margaretha Bull sent the Board an email suggesting the newly erected remembrance plaque in the memorial garden behind the clubhouse be mounted on a stone placed in the ground. After discussion, the Board instructed Jim to determine the cost of placing the plaque on a stone. The Board agreed that all future remembrance plaques be placed at ground level, not mounted vertically.

Lori mentioned we should consider going forward with plantings on the south lake bank. Jim will talk to Stewart McKenzie and Ellen Stein about the proposed ornamental grasses and see if we can get the project under way again.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JULY 7, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Dunja Baker, Jeff Miller, Dan Barresi, Jon Bernheimer, Janet Kelly from the City of Rockville and Jim Denny.

**Board members absent:** John Hansman & Lori Nicely

**Community Forum:** Jon Bernheimer was present to follow up on the use of herbicides and pesticides on common areas throughout NMC. Jon would prefer that we did not use any pesticide or herbicide in the community. Jon spoke with Charles Schuster, Sr. Agent with the County Extension Service who stated he was available to speak with the Board about the use of herbicides.

Janet Kelly from the City of Rockville was present substituting for our Neighborhood Services Coordinator, who is on maternity leave. Janet was asked to follow up on several residences that have outstanding maintenance issues. One of the residences is abandoned. Janet was asked if the Police Department could enter the unit. Janet will also follow up on repainting the cross walk at the intersection of New Mark Esplanade and Maryland Avenue.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by John Brown and seconded by Margaret, the minutes of the June 2011 meeting were approved.

**Administrators Report**

**Dues:** Jim told the Board twenty five residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. Jim will turn over two of the old accounts to our attorney to start the process to place a lien on the properties.

**Pool update:** Several areas were noted where the life guards could improve their performance. The pool deck needs to be kept cleaner, remove algae from the pool and more closely monitor the baby pool. They should insure that no child is left unattended in the baby pool area.

Jim gave the Board a proposal from Pool Service Company for a new diving board and stand. The proposal included shipping, installation and removal of the old diving board and stand. The cost was \$15,950. After discussion, John Brown made a motion that we accept the Pool Service Company proposal for \$15950. Dunja seconded the motion which passed by a vote of four in favor and one opposed. John Brown, Dunja, Dan and Jeff voted in favor of the new diving board. Margaret was opposed to the new board.

We have sold 31 non-resident memberships this year for \$17,050 in additional revenue.

The representative from Pool Service Company mentioned there were several new pool access requirements that may be applicable to our pool for 2012.

**2<sup>nd</sup> quarter financial report:** Jim gave the Board an update on the financial status of the Association as of June 30, 2011. He presented Income Statements, actual expenses year-to-date versus the budget and a reviewed the Association's Operating and Reserve Funds balances as of June 30, 2011.

**Dead street trees along NME:** Jim told the Board the dead trees along NME have been removed and new trees will be planted by the City this fall. Dan mentioned several areas along NME that need to be reseeded. Dan and Jim walk the community and review the areas that need attention.

### **Old Business**

**Pepco Update:** Jim told the Board we received a letter from PEPCO stating that they had completed the work in our neighborhood to help improve electric service reliability.

**Street Light update:** The City contractor has started installing new street light fixtures in the community. They also installed several new light poles on Harlow Court along with the new fixtures.

**Long & Foster ad w/NMC amenities:** This issue has been resolved. The multiple listing adds have been changed so they do not give the impression that NMC amenities are available to homes located outside the community.

### **New Business**

**Tree maintenance proposals:** Jim received proposals from several arborists for tree removal and pruning. There was a significant price differences between the companies. Jim will check references and report back at the next board meeting.

**Officers & Director's liability policy renewal:** Jim gave the Board the renewal proposal for the O & D policy renewal. There was no increase in the premium for 2011-2012. After discussion, Jeff made a motion that we accept the proposal from Russell Insurance Group for \$1,669 for the O&D coverage. John Brown seconded the motion which passed unanimously.

with Ohio Causality Insurance Company. The community's liability insurance coverage is carried by Ohio Causality. We inspected the clubhouse, pool deck and mechanicals, the playground and maintenance garage. There were no issues raised during the walk through of the community.

## **Old Business**

**Pool party status:** Jim told the Board we have received 38 RSVPs for the pool party scheduled for August 13<sup>th</sup>.

**Stolburg pesticide & herbicide update:** If the community decides not to use any herbicides and pesticides, Matt Stolburg will credit us 16 man hours of labor. After discussion, it was decided we would use the credit to trim the bushes and bamboo along the lake bank.

**Tree maintenance proposals:** Jim received proposals from several arborists for tree removal and pruning. The prices ranged from \$4,460 to \$10,455. Jim mentioned he received very positive references from customers of the low cost bid provider. After discussion, Lori made a motion that we accept the proposal from Custom Touch Tree Service for \$4,460. John Hansman seconded the motion which passed unanimously.

## **New Business**

**Stolburg Landscape proposals:** Jim gave the Board two proposals from Stolburg Landscaping for erosion control in two locations in the community. One area is down the hill on the side of 810 NME. The other is the sloped path on the hill leaving the playground area. After discussion, John Hansman made a motion that we accept the two proposals for \$2,050. Lori seconded the motion which passed unanimously.

**NMC interested in hosting a candidate's debate:** We received a letter from the City of Rockville asking if our community would be interested in hosting one of the televised candidates' debate. Jeff Miller mentioned he is a member of the Rockville Chamber of Commerce and they are hosting one of the debates. He said the planning and logistics for this effort are significant and it would not be advisable for NMC to consider hosting the event.

**Board Open House date:** Jim asked the Board what date would be good to hold the annual Board of Directors Open House. After discussion, Saturday, October 22<sup>nd</sup> was selected.

**Rules/processes for the official conduct of meetings and voting:** Lori asked that we review the rules for board meetings and how to handle issues that required Board action in between the regularly scheduled Board meetings. Jim spoke to Betty Hileman, the Association's attorney. If there is an emergency that requires immediate Board action, a conference call should be arranged between the Board members. Each Board

member should have a chance to express their views on the issue and then a vote can be taken. She said email discussions and decisions should be view as the last option.

**Jim on vacation 8/17 to 8/28:** Jim asked volunteers to answer the NMC phone, respond to emails and pick up mail at the post office in Rockville while he is on vacation. Dunja and John Brown volunteered. Jim will meet with John and Dunja next week to cover the responsibilities.

## **Miscellaneous**

Lori suggested we start soliciting proposals to paint the exterior of the clubhouse. The painting should be completed by October 31, 2011.

Lori mentioned we should start making the Architectural Control changes discussed at the annual meeting available to the community. These changes were for pre-approved exterior door styles, an exterior light fixture and house numbers. She and Dunja will format the information and will get it on the website in the next couple of months.

We should acknowledge well maintained homes and landscaping in the newsletter.

Margaret mentioned the basketball goal in the pool needs a new net.

Margaret mentioned we should maintain a master list of capital improvements made throughout the community.

Lori mentioned the lake fountain is running continuously. Jim will contact Solitude Lake Management to check out the fountain timer.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, AUGUST 4, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Dunja Baker, Jeff Miller, John Hansman, Lori Nicely, Janet Kelly from the City of Rockville and Jim Denny.

**Board members absent:** Dan Barresi

**Community Forum:** Janet Kelly from the City of Rockville was present, substituting for our Neighborhood Services Coordinator, who is on maternity leave. Janet mentioned the Public Works Department will be checking the crosswalk markings and street lines in the community. She said the Deer Task Force will be the contact area for any managed deer hunt in the City. Jeff Miller mentioned the City snow plows damaged the concrete curb on the circle in front of his home. The new District Court House has generated additional pedestrian traffic in downtown. It was mentioned it is getting difficult to turn left from Maryland Avenue on to Route 28. Lori mentioned the graffiti along the metro tracks approaching Rockville is unsightly and does not portray the type of image Rockville want to promote. This is an ongoing problem that needs to be addresses at the mayor and council level. There is a new food market taking the place of the vacated Whole Foods store in Congressional Plaza.

**Officer and Committee Reports:** There were no officer and committee members reports.

Upon a motion by Jeff Miller and seconded by John Brown, the minutes of the July, 2011 board meeting were approved.

**Administrators Report**

**Dues:** Jim told the Board fourteen residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years.

**Pool update:** The new diving board and stand has been ordered and is expected to arrive at any time. Jim will coordinate the installation with the Pool Service Company.

The NMC swim team, the Barracudas, completed their season. They will remain in the same division they competed in for 2012.

We should plan to replace the privacy partitions in the clubhouse restrooms.

We sold 32 non-resident pool memberships this summer for \$17,416.

**Insurance review:** Jim met with Eric Haemelinck, Senior Loss Prevention Consultant,

with Ohio Causality Insurance Company. The community's liability insurance coverage is carried by Ohio Causality. We inspected the clubhouse, pool deck and mechanicals, the playground and maintenance garage. There were no issues raised during the walk through of the community.

## **Old Business**

**Pool party status:** Jim told the Board we have received 38 RSVPs for the pool party scheduled for August 13<sup>th</sup>.

**Stolburg pesticide & herbicide update:** If the community decides not to use any herbicides and pesticides, Matt Stolburg will credit us 16 man hours of labor. After discussion, it was decided we would use the credit to trim the bushes and bamboo along the lake bank.

**Tree maintenance proposals:** Jim received proposals from several arborists for tree removal and pruning. The prices ranged from \$4,460 to \$10,455. Jim mentioned he received very positive references from customers of the low cost bid provider. After discussion, Lori made a motion that we accept the proposal from Custom Touch Tree Service for \$4,460. John Hansman seconded the motion which passed unanimously.

## **New Business**

**Stolburg Landscape proposals:** Jim gave the Board two proposals from Stolburg Landscaping for erosion control in two locations in the community. One area is down the hill on the side of 810 NME. The other is the sloped path on the hill leaving the playground area. After discussion, John Hansman made a motion that we accept the two proposals for \$2,050. Lori seconded the motion which passed unanimously.

**NMC interested in hosting a candidate's debate:** We received a letter from the City of Rockville asking if our community would be interested in hosting one of the televised candidates' debate. Jeff Miller mentioned he is a member of the Rockville Chamber of Commerce and they are hosting one of the debates. He said the planning and logistics for this effort are significant and it would not be advisable for NMC to consider hosting the event.

**Board Open House date:** Jim asked the Board what date would be good to hold the annual Board of Directors Open House. After discussion, Saturday, October 22<sup>nd</sup> was selected.

**Rules/processes for the official conduct of meetings and voting:** Lori asked that we review the rules for board meetings and how to handle issues that required Board action in between the regularly scheduled Board meetings. Jim spoke to Betty Hileman, the Association's attorney. If there is an emergency that requires immediate Board action, a conference call should be arranged between the Board members. Each Board

member should have a chance to express their views on the issue and then a vote can be taken. She said email discussions and decisions should be view as the last option.

**Jim on vacation 8/17 to 8/28:** Jim asked volunteers to answer the NMC phone, respond to emails and pick up mail at the post office in Rockville while he is on vacation. Dunja and John Brown volunteered. Jim will meet with John and Dunja next week to cover the responsibilities.

## **Miscellaneous**

Lori suggested we start soliciting proposals to paint the exterior of the clubhouse. The painting should be completed by October 31, 2011.

Lori mentioned we should start making the Architectural Control changes discussed at the annual meeting available to the community. These changes were for pre-approved exterior door styles, an exterior light fixture and house numbers. She and Dunja will format the information and will get it on the website in the next couple of months.

We should acknowledge well maintained homes and landscaping in the newsletter.

Margaret mentioned the basketball goal in the pool needs a new net.

Margaret mentioned we should maintain a master list of capital improvements made throughout the community.

Lori mentioned the lake fountain is running continuously. Jim will contact Solitude Lake Management to check out the fountain timer.



**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 1, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Dunja Baker, Dan Barresi, John Hansman, Lori Nicely, Rocio from the City of Rockville and Jim Denny.

**Board members absent:** Jeff Miller

**Community Forum:** Rocio Snowdy from the City of Rockville was present to discuss several items with the Board. Rocio mentioned the City's Good Neighbor Award program is accepting nominations. Details of the plan and nominating forms can be found on the City website. She also mentioned the District Court House is adding two new handicap parking spaces.

**Officer and Committee Reports:** Lori mentioned she would like to form a new Capital Improvement Committee.

Upon a motion by John Brown and seconded by Margaret, the minutes of the August, 2011 board meeting were approved with the changes as noted.

**Administrators Report**

**Dues:** Jim told the Board twelve residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. We hired a professional process server to locate and serve the residents the Sheriff's Department was unable to locate. We have District Court trial dates for several of the cases.

**Pool update:** The new diving board and stand has been ordered and is expected to arrive at any time. The installation is scheduled for the week of September 19<sup>th</sup> to the 23<sup>rd</sup>. Jim will ensure the location does not interfere with a swimmers start during a swim meets. Also the new board and stand will have the maximum weight limit prominently displayed.

We received information concerning the 2010 changes to the Americans with Disability Act (ADA) regarding access to swimming and wading pools. A physical change to a swimming pool, which could possibly affect the usability of the pool, is considered to be an alteration. Changes to the mechanical and electrical systems, such as filtration and chlorination systems, are not alterations. Jim will check with the Association's attorney to determine how the new regulations could impact NMC.

Jim gave the Board a proposal from Continental Pools for a winter chemical treatment. They will provide a winter algaecide along with water balancing and additional chemical which should help extend the life of our white coat. The cost is \$48.40 for every 10,000 gallons of water. The total would be approximately \$900. After discussion, Dan made a

motion that we accept the winterization proposal from Continental Pools. John Hansman seconded the motion which passed unanimously.

**Hurricane Irene damage:** We did not sustain any serious damage during the storm although there was a lot of leaf and branch debris throughout the community. Stolburg Landscaping cleaned up the common areas after the storm.

### **Old Business**

**Pool party status:** Over fifty residents attended the pool party. A couple of observations were the disc jockey was not very interactive with the crowd and there was very little dancing. Next year we may provide our own music.

**Board Open House date:** Jim reminded the Board the annual Board of Directors Open House will be held on Saturday, October 22<sup>nd</sup> from 5 to 7 p.m. at the clubhouse.

**Plaque in the Memorial Garden:** Lori asked if Jim had received a cost to have the plaque mounted on a stone surface and set horizontally in the ground. Jim will have a cost estimate by the next Board meeting. All future memorial plaques will be installed horizontally, flush with the ground.

**ACC Guideline update:** Lori and Dunja will organize the changes to the doors and exterior light fixtures for the contemporary style homes and townhomes. Dunja will take a picture of the new approved fixture installed on her home. We will put the changes on the NMC website.

**Rules/processes for the official conduct of meetings and voting:** Lori asked that we review the rules for board meetings and how to handle issues that required Board action in between the regularly scheduled Board meetings. Jim spoke to Betty Hileman, the Association's attorney. If there is an emergency that requires immediate Board action, a conference call should be arranged between the Board members. Each Board member should have a chance to express their views on the issue and then a vote can be taken. She said email discussions and decisions should be viewed as the last option.

### **New Business**

**2012 Pool management contract proposal:** Jim gave the Board a proposal from Continental Pools Inc. for 2012, 2013 and 2014. Continental Pools is proposing a three year contract with no increase in 2012, a 1% increase for 2013 and a 2% increase for 2014. After discussion, the Board decided they would like to talk to Continental Pool management before signing a new three year contract. Jim will invite them to the October Board meeting.

## **Miscellaneous**

Jim thanked John Brown for monitoring the Associations' phone and overseeing the pool operation while he was on vacation.

Jim will check with members of the Landscape Committee about the ornamental grasses proposed for the south lake bank.

There was discussion on maintenance of the NMC website. We will continue to work with our website designer to activate several options not currently being used and make several enhancements, such as 'Coming Events' tab.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 6, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Dunja Baker, Dan Barresi, Lori Nicely, Jeff Miller, Dan Milenkov, Regional Manager, Continental Pools, Inc. and Jim Denny.

**Board members absent:** John Hansman

**Community Forum:** Dan Milenkov from Continental Pools was present to discuss the 2011 pool season and the proposed management contract for 2013 thru 2014. The life guards this year were very professional, personable and had excellent language skills. However, there were several areas that needed to be addressed such as cleanliness of the restrooms, showers, pool deck and pool water. Dan agreed there should have been greater supervision of the life guards, and assured the Board the problems mentioned will not occur in 2012.

**Officer and Committee Reports:** There were no committee members in attendance.

Upon a motion by John Brown and seconded by Dunja, the minutes of the September, 2011 board meeting were approved with the changes as noted.

**Administrators Report**

**Dues:** Jim informed the Board ten residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. The District Court has set trial dates for several of the cases.

**New diving board status:** A new diving board and stand was delivered to the pool and excavation for the installation has begun. Jim mentioned he noticed the new dive stand appeared to be similar to our old diving stand. After discussion with the contractor, they have suspended installation until they discuss this issue with the manufacturer and Montgomery County Health Department to insure the stand and diving board meet all current County codes

**Garden Club meeting on October 11<sup>th</sup>:** The Garden Club has invited Eric Wenger, Master Gardener with the University of Maryland Extension Service to speak to the community on pesticides, organic pesticides and best lawn care practices.

**Commission on Common Ownership Communities (CCOC):** The CCOC will hold their annual forum on Saturday, October 15<sup>th</sup> in Rockville. Jim and John Hansman are planning to attend.

**Street lights out along NME:** Four street lights are out on NME. The City determined they are a 'no voltage' condition and the lights were reported to Pepco for repair.

**Plaque in the Memorial Garden:** Jim reported he checked with Irwin Stone Inc. about mounting a memorial plaque on a stone and installing it flush with the ground. The cost of the stone is less than \$50, but mounting the plaque would be several hundred dollars. Lori inquired if it was a natural rock or finished piece of stone. She said we should use a natural stone versus cut stone to avoid the cemetery look in the memorial garden. Jim will check the price of a natural stone installation.

**Third quarter financial update:** Jim gave the Board an update on the financial status of the Association as of September 30, 2011. 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 of September 30, 2011. Jim mentioned the interest rates on certificates of deposit (CD) are extremely low. The current rate for a one year CD is .50 percent. Jim will check with other local banks for better rates.

### **Old Business**

**2012 pool management contract:** Continental Pools has proposed a three year contract for 2012 thru 2014. The 2012 price is \$45,838, no increase over 2011. The 2013 price would be \$46,300, a one percent increase over 2012 and the price for 2014 would be \$46,750, a one percent increase for 2013. After discussion, Jeff Miller made a motion that we accept the proposal from Continental Pools for pool management services for three years starting in 2012. John Brown seconded the motion which passed unanimously. The board would like to receive monthly status reports from Continental Pool management at the June, July and August 2012 board meetings.

### **New Business**

**Custom Touch Tree Service proposal:** Jim gave the Board a proposal covering ten locations in the community for \$6,000 to prune and elevate several trees. It also included removal of several dead and or dying trees. After discussion, Lori made a motion that we accept the proposal from Custom Touch Tree Service for \$6,000. Jeff Miller seconded the motion which passed unanimously.

**Clubhouse painting proposals:** Jim gave the Board five proposals to clean, repair some brick damage and paint the exterior of the clubhouse. The prices ranged from \$13,875 to \$4,380. After discussion, Lori made a motion that we accept a proposal from CertaPro Painters for \$6,975. Dan seconded the motion which passed unanimously.

### **Miscellaneous**

Jim will have Stolburg Landscaping trim the grass around the tree near the intersection of Welwyn Way and the circle in front of 24 & 25 Welwyn Way.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, NOVEMBER 3, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Dunja Baker, Jeff Miller, John Hansman, Rocio Snowdy from the City of Rockville and Jim Denny.

**Board members absent:** Dan Barresi and Lori Nicely

**Community Forum:** Rocio had several items for the Board. The newly elected Mayor and Council will be sworn in on November 28<sup>th</sup>. There is a good possibility an ice skating rink will be built in Town Center this winter. Negotiations are underway with a vendor and a decision should be made shortly. The underground utility construction phase for the new Circuit Court Annex is beginning. There may be traffic interruptions and delays on route 28 near the Monroe Street intersection.

**Officer and Committee Reports:** There were no committee members in attendance.

Upon a motion by John Brown and seconded by Jeff, the minutes of the October 2011 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board eight residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. The District Court has set trial dates for several of the cases.

**New diving board status:** The diving board manufacturer and the Montgomery County Health Department have approved the installation of the new stand as a ¾ meter diving stand. The stand will be set lower in the deck. The contractor is doing a good job with the excavation and installing rebar reinforcement rod for the new foundation. The installation should be completed in November.

**Lake Fountain removal:** The lake fountain is scheduled to be removed for the winter on November 10<sup>th</sup>.

**New Monroe Street sidewalk:** The City is building a new sidewalk on the west side of Monroe Street between Big Oak Court and Cabin John Parkway.

**Plaque in the Memorial Garden:** Jim had further discussion with Irwin Stone Inc. about mounting the memorial plaque on a stone and installing it flush with the ground. Using a natural stone (rock), installing the plaque, delivery of the stone and installation would cost over \$1,000. After discussion, John Brown made a motion that all future memorial plaques will be mounted horizontally, flush with the ground. Jeff seconded the motion which passed unanimously.

**2012 proposed budget:** Jim gave the Board the proposed budget for 2012. He also included income and expenditures as of 10/31/2011 versus the 2011 budget. The Association's governing documents set forth the maximum amount the dues can be raised. In recent years, the dues increases have been held within or under the annual Consumer Price Increase (CPI). Our Covenants state the increases in dues have to be within the annual increase in the CPI on a cumulative basis since January 1, 1968. The percentage of increase in the Consumer Price Increase (CPI) for the Washington and Baltimore metropolitan area for the period of September 2010 to September 2011 was three point four percent (3.4%). Jim presented a proposed budget for 2012 that reflected a 3% increase.

After discussion, Jeff made a motion that the proposed 2012 budget with the 3% increase be published in the NMC Newsletter and distributed to all residences in the community. Dunja seconded the motion which passed unanimously. The three percent increase is equal to \$26 to \$30 increase per household for the year.

Jim is projecting we will be under budget this year. Projected income is \$333,340 which is \$2,056 more than expected. Projected expenses are \$325,324 which is \$5,960 under budget. The total projected under budget will be \$8,016.

### **Old Business**

**Board of Appeals hearing:** Jim told the Board he attended the Board of Appeals meeting concerning a privacy fence height variance request by a NMC resident. The variance to install an 8' high fence instead of a 6' high fence was approved

### **New Business**

**Street light repairs:** Jim gave the Board several proposals for the installation of new underground lighting cable in three locations throughout the community. The proposals ranged from \$5,987 to \$12,916. After discussion, Jeff made a motion that we accept the proposal from Power Systems Electric for \$5,987. John Brown seconded the motion which passed unanimously.

**Snow removal proposals:** Jim gave the Board two snow removal proposals for the winter of 2011/2012. The proposals are presented by the contractor as a dollar cost per hour for different types of equipment and a price per bag of ice melt. After discussion, John Brown made a motion that we accept a proposal from Sivert Enterprises for snow removal. Jeff seconded the motion which passed unanimously.

**Drainage proposals:** Jim gave the Board two proposals to correct a drainage issue on common property near 204 New Mark Esplanade. Jim mentioned he would like to solicit an additional proposal with same specifications we received earlier. In order to expedite the process, Jim requested approval be given as a 'not to exceed \$3,290'. Jim will hire the contractor based on receiving an additional proposal for the project.

**Potomac Valley Nursing Home and Wellness Center expansion:** They are proposing a two story addition on the rear of the current property. Jim mentioned he will be attending the Pre-Application Meeting (PAM) on Monday, November 7<sup>th</sup> at 7:00 p.m.

### **Miscellaneous**

We received a letter from Peerless Rockville requesting a donation to support their preservation programs throughout Rockville. The board decided we would not make a contribution, but would publish their fund raising effort in the NMC Newsletter.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, DECEMBER 1, 2011**

**ATTENDEES:** John Brown, Margaret Chao, Lori Nicely, Dan Barresi, Jeff Miller, John Hansman, Billie Jordan, Madeline Gupta and Jim Denny.

**Board members absent:** Dunja Baker

**Community Forum:** Billie Jordan and Madeline Gupta were present to discuss a conversation they had with a neighbor who is not a resident of New Mark Commons (NMC). The individual had been trespassing, in their opinion harmlessly, on NMC property and a resident had called the Rockville Police Department (RPD) to report the trespassing. The RPD informed the individual he was in fact trespassing and should leave. Madeline and Billie were concerned that getting the police involved was a bit over zealous, given the situation. Lori mentioned she had additional information on the issue. The individual has trespassed numerous times in NMC and has dug up plantings and roots near the lake bank. He had been told previously he was trespassing and should leave. He ignored the warning which led to the RPD involvement in the latest incident.

Rocio Snowdy our Neighborhood Resources coordinator was unable to attend the meeting but sent an email announcing the opening of the ice skating rink at Town Center in December.

**Officer and Committee Reports:** There were no committee members in attendance.

Upon a motion by Jeff and seconded by John Brown, the minutes of the November 2011 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board eight residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. The District Court has set trial dates for several of the cases.

**New diving board status:** The new diving board has been installed

**New Monroe Street sidewalk:** The City is building a new sidewalk on the west side of Monroe Street between Big Oak Court and Cabin John Parkway. Jim mentioned he will be meeting with the City's project manager to insure the path, leading from the 100 block of New Mark Esplanade parking lot to Monroe Street, remains open and accessible.

**2012 proposed budget:** Jim gave the Board the proposed budget for 2012. He also included income and expenditures as of 11/30/2011 versus the 2011 budget. Jim told

the Board he did not receive any questions from the community concerning the 2012 proposed budget published in the November/December newsletter.

Jim is projecting we will be under budget this year. Projected income is \$333,340 which is \$2,056 more than expected. Projected expenses are \$330,384 which is \$900 under budget. The total projected under budget will be \$2,956.

### **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim gave the Board a letter dated November 28, 2011, from Mark Wetterhahn who resides at 2 Don Mills Court to Susan Straus, Chief of Engineering at the City of Rockville. The letter was a follow up to their November 17<sup>th</sup> meeting and emphasized two specific issues from the meeting: the installation of a new diesel backup generator and the extension of the sidewalk on the south side of Potomac Valley Road to the entrance driveway of the nursing center.

**Plaque in the Memorial Garden:** Lori inquired about the vertical mounted plaque in the memorial garden. Jim relayed that purchasing the rock, mounting the memorial plaque, delivery and installation would cost over \$1,000. Jim has an alternative method of mounting the plaque permanently that would cost less than \$50.

**Leaf Collection:** John Hansman mentioned the City vacuum trucks removed the leaves around the circle in front of his home, but left a large pile of leaves in the center of the circle. Jim said our landscape contractor, Stolburg Landscaping, will make a final pass through the neighborhood and collect any remaining leaves from the circles.

John also mentioned the NMC end of Potomac Valley Road, between the circle and New Mark Esplanade needs repair. A large patch in the road has settled and needs to be refilled and compacted.

### **New Business**

**Email from Dr. Sang Lyu:** The email from Dr. Lyu concerning the recent trespassing incident was discussed during community forum.