

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JANUARY 5, 2012**

**ATTENDEES:** Margaret Chao, Lori Nicely, Dan Barresi, Jeff Miller, John Hansman, Dunja Baker, Rocio Snowdy and Jim Denny.

**Board members absent:** John Brown

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville had several items to share with the Board. The City's coat drive ends on January 13<sup>th</sup>. The annual Martin Luther King Jr. celebration will be held on January 16<sup>th</sup> at Richard Montgomery High School at 12:00 noon. The ice rink in Town Center has opened. John Hansman asked Rocio if there were any plans for using the old District Court building. Margaret asked the status of the search for a new City Manager. Lori expressed some concerns about brush and landscape debris left along the path in lower section of Monument Park. Would the City please remove these unsightly piles of debris.

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

Upon a motion by John Hansman and seconded by Jeff Miller, the minutes of the December 2011 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board six residents have not paid the second installment of their home owners' association dues. Five residents have outstanding dues balances from prior years. Jim told the Board that thru Margaret's efforts at the District Court, we collected \$3,955.62 in back dues, late fees and legal fees in December.

**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 met with the City's project manager to discuss how the path from the 100 block of New Mark Esplanade parking lot to Monroe Street will terminate at the new sidewalk. After discussion, the retaining wall height was reduced and a gravel path was added to make the transition from the path to the sidewalk easier.

**Harvest Bank CD:** NMC opened a 24 month CD at the Harvest Bank in Gaithersburg, MD. Jim needed the signatures of the officers of the Board of Directors to complete the transaction.

**Board members terms:** Jim told the Board that Dunja Baker and Dan Barresi terms ended this March. Dan stated he would not run for re-election and Dunja was undecided at this time.

**2012 proposed budget:** Jim gave the Board the proposed budget for 2012. He also included year to date income and expenditures for 2011 versus the 2011 budget as of December 31, 2011.

Jim forecast we will be under budget by approximately \$18,392.

Jim gave the Board a list of proposed 2012 Community Improvement Projects. He mentioned is a starting point for maintenance and capital improvements for this year. He asked the Board to review and let him know of any changes they would like made.

### **Old Business**

**Burglary at 400 & 402 NME:** Jim told the Board he had a request from the residents of the 400 block of NME for an additional street light in their area. Jim has a meeting scheduled for January 9<sup>th</sup> to meet with the residents to discuss the lighting request. Margaret suggested we ask the City to install a new street light in the area. Jim will arrange a meeting with the City's street light engineer to determine if a new City light is a possibility.

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim gave the Board a letter dated December 13, 2011, from Mark Wetterhahn who resides at 2 Don Mills Court to Susan Straus, Chief of Engineering at the City of Rockville. The letter addresses storm water runoff with supporting pictures of the backyards at 8-9 Don Mills Court showing water running down the hill from the nursing home.

### **New Business**

**Insurance renewal:** Jim gave the Board a proposal from the Russell Insurance Group for the renewal of the communities commercial crime coverage. It protects the community from employee theft, forgery, alteration, computer fraud and illegal wire transfers. The annual premium is \$1,350 which is a \$25 increase over 2011. After discussion, Dan made a motion that we accept the renewal proposal from Russell Insurance for \$1,350. Jeff seconded the motion which passed unanimously.

**Letter from Solitude Lake Management (SLM):** We received a letter from SLM informing us the National Pollutant Discharge Elimination System (NPDES) permit for aquatic pesticide applications have been finalized and went into effect on October 31, 2011. The NPDES is the primary federal legislation that regulates point source pollution to the waters of the U.S. They pointed out that a key point with the new regulation is that the decision maker or financier for the applications are just as liable for permit compliance as the applicator or contractor doing the work.

**ADA access to the swimming pool:** Last year, the Department of Justice issued new regulations requiring swimming pools used by the public to be accessible to handicapped persons. Pools with a perimeter wall longer than 300 feet must have at

least two points of handicapped access; pools shorter than 300 feet must have at least one point of access, and this includes wading pools. Typically, the cheapest means of providing access will be chair lifts. These rules apply to pools owned by common ownership communities if those pools are open to the public. A pool is open to the public if it sells pool memberships to persons who are not members of the common ownership community or if the pool is used for events at which non-members can participate, such as swim meets. Pools can also be covered if they belong to associations which actively rent units to the public which are owned by the association or its members.

**Annual meeting and community clean up dates:** Jim mentioned we need select dates for the two events. After discussion, it was decided the Annual meeting will be held on Tuesday, March 20, 2012 in the NMC clubhouse at 7:30 p.m. The annual cleanup of the common area woods would be held on Saturday, March 24, 2012 at 9:00 a.m. starting at the clubhouse.

**International Dinner:** Jim asked if there was any interest in holding an International Dinner (ID) event this spring. It was decided that Jim would first email the ID committee members to gauge interest. We should have a minimum of 56 attendees to hold the event. It was mentioned that April or May would be a good time for the event.

### **Miscellaneous**

Lori mentioned we should explore a new sign for the front entrance of the community. We should also solicit bids to clean up the NMC totem pole at the main entrance.

Margaret mentioned we had a request from a reporter from Rockville Reports to interview NMC residents about the community. Jeff Miller volunteered to speak with the reporter.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, FEBRUARY 9TH, 2012**

**ATTENDEES:** Margaret Chao, Lori Nicely, Dan Barresi, Jeff Miller, John Hansman, Dunja Baker, John Brown, Rocio Snowdy and Jim Denny.

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville had several items to share with the Board. The City is starting the fiscal year 2013 budget preparation. City staff will present the proposed budget to the mayor and Council at the February 27<sup>th</sup> Council meeting at City Hall.

Rocio mentioned there will be refuse and recycling collection on the President's day holiday, Monday, February 20<sup>th</sup>.

Margaret mentioned to Rocio there is a traffic problem at the entrance of the new Great Wall grocery store on route 355. The traffic backs up to a stop on route 355 at the entrance to the store parking lot.

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

**Administrators Report**

**Dues:** Jim informed the Board fifty five residents have not paid the first installment of the 2012 home owners' association dues. Six residents have outstanding dues balances from prior years. Jim told the Board that through Margaret's efforts at the District Court, we collected \$500 in back dues in January.

**Harvest Bank CD:** NMC opened a 24 month certificate of deposit (CD) in December, 2011 at the Harvest Bank in Gaithersburg, MD. The bank had an additional requirement for a corporate authorization resolution for the CD. After discussion, John Hansman made a motion to approve the CD. Dan Barresi seconded the motion which passed unanimously.

**Updating NMC front entrance:** Lori would like to explore updating the front entrance to New Mark Commons. The discussion included: the addition of a large boulder in front of the existing totem pole with the community name on the boulder; power wash the concrete and wood totem pole; remove the totem pole and replace it with a more contemporary or updated style sign.

**Old Business**

**Additional street light at 400 - 406 NME:** Jim told the Board he met with Andrew Luetkemeier, P.E. from the City's Public Works Department to discuss the installation of a new street light at the entrance of the 400 block of New Mark Esplanade. After measuring distances between existing street lights it was determined the City would not

install a new streetlight at that location. The distance between the two lights on either side of the proposed location was measured at 140 feet. The City's minimum standard between lights is 180 feet. This location is well within standards under the existing conditions. His recommendation to the homeowners would be to increase the lighting on the front of their homes.

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim gave the Board an email dated February 8, 2012 from Mark Wetterhahn who resides at 2 Don Mills Court. The email contains a response from Susan Straus, Chief of Engineering at the City of Rockville. The email discusses the storm water runoff concerns from the proposed addition to the nursing home Mark had raised in earlier correspondence with the City.

**ADA access to the swimming pool:** Jim gave the board an update on the ADA requirements for pool access. Jim and Margaret attended a public information meeting on January 24<sup>th</sup> sponsored by Maryland Department of Health and Mental Hygiene, Division of Community Services. The meeting discussed swimming pool accessibility requirements, issuance of annual pool operating permits and construction permits for pools affected by the 2010 ADA Standards for Accessible Design. NMC's pool is affected by the new regulations.

### **New Business**

**Jehovah's Witness Church expansion plans:** Jim gave the Board a letter from Miller, Miller and Canby, the law firm representing the Jehovah's Witnesses Church. The Church has revised their construction design and plans to hold a general community meeting for all interested groups. Jim also included emails from Sima Osdoby and Andrew Breychak raising some concerns and issues that need to be addressed as the project goes through the City's review process.

### **Miscellaneous**

Jim gave the Board a list of proposed 2012 Community Improvement Projects. He mentioned this is a starting point for maintenance and capital improvements for this year. He asked the Board to review and let him know of any changes they would like made.

Jim had to leave the Board meeting at 8:30 p.m.

Upon a motion by John Brown and seconded by Lori, the minutes of the January 2012 board meeting were/were not unanimously approved.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MARCH 1, 2012**

**ATTENDEES:** Margaret Chao, Lori Nicely, Dan Barresi, John Hansman, Dunja Baker, John Brown, Rocio Snowdy, Jon Bernheimer, Richard Berman, Pat Reber, Matt Stolburg, Andrew Chiperfield and Jim Denny.

**Board members absent:** Jeff Miller & Dan Barresi

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville had several items to share with the Board. The Rockville City Police department is accepting applications for the Citizens Police Academy which starts on Wednesday, March 20<sup>th</sup>. The City is hosting a Planning Academy for residents who are interested in learning more about zoning, planning and development in the City. The Academy starts on Saturday, March 24<sup>th</sup> at 10 a.m. at City hall. Rocio mentioned the apartments and condominiums in Town Center are approximately ninety five percent occupied.

NMC's landscape contractor, Matt Stolburg, was present to discuss fertilizer and herbicide use for the coming year. Accompanying Matt was Andrew Chiperfield from Newsom Seed, a wholesale distributor of turf care products including seed, fertilizer, herbicide and pesticide. There was a discussion on using organic herbicides versus existing weed control products. Andrew mentioned, one of the most common organic herbicides was a granular product made from corn gluten. The down side is the product is not as effective as liquid products. Matt mentioned, one of the best ways to fight weeds was to have a healthy lawn. There was also discussion on splitting the community into sections for the herbicide application. That would leave an untreated area for residents who wish to avoid the treated areas. The Board decided to give the community advanced notice when herbicides and fertilizer applications will be used and require Stolburg Landscaping to increase the number of signs installed on the day of treatment. Jim and Matt Stolburg will determine the most effective way to divide the community for treatment.

Richard Berman was present to discuss reactivating the Community Enhancement Committee. He offered to walk the community and make a note of residences that had noticeable maintenance issues, such as roofs needing repairs, gutters overflowing, loose siding, peeling paint, etc. He will also note NMC HOA items that need attention, including Architectural Control violations. He mentioned this is the ideal time of the year to perform the walking inspection.

**Officer and Committee Reports:** Richard Berman of the Community Enhancement Committee was present.

Upon a motion by John Hansman and seconded by John Brown, the minutes of the February 2012 board meeting were unanimously approved.

## **Administrators Report**

**Dues:** Jim informed the Board twenty six residents have not paid the first installment of the 2012 home owners' association dues. Six residents have outstanding dues balances from prior years.

**Harvest Bank CD:** NMC opened a new 12 month certificate of deposit (CD) in February 2012 at the Harvest Bank in Gaithersburg, MD. The bank had an additional requirement for a corporate authorization resolution for the CD. After discussion, John Brown made a motion to approve the CD. Lori seconded the motion which passed unanimously.

**Jehovah's Witness Church expansion plans:** Jim gave the Board an update of the Jehovah's Witnesses Church's plan to build a new building on their property at the intersection of Maryland Avenue and Falls Road. The Church revised their construction design and plans to incorporate one of the existing homes into the new building design.

**Rockville Census Report:** Jim mentioned he had a printed copy of the 2010 Census Results for the City of Rockville. It is very interesting reading and offered it to any of the Board members for their review.

## **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim mentioned there will be a meeting at the Nursing Home on March 6<sup>th</sup> to discuss how the facility will handle storm water runoff from their facility. Their proposal could impact the residents of Don Mills Court.

## **New Business**

**Portable on Demand (POD) temporary storage units:** A resident had a POD delivered to the parking lot in front of their townhouse in the 100 block of New Mark Esplanade. They were using the unit to store personal items while their home was being prepared for sale. The POD remained in the parking lot for over a month. A question was raised; does NMC have a policy on the use of PODs in the community? It was decided a policy was needed and Jim was going to investigate if other HOAs had POD policies. Jim will draft a proposal that would define the number of PODS allowed, the length of time a POD can remain on site and where they should be placed in the community.

**Continental Pools proposals:** We received two proposals from Continental Pools Inc. The first proposal was for pre-opening repairs for \$5,462 and the second proposal was for parts and supplies for \$1,634. After discussion and reviewing pictures of the areas that need repair, John Brown made a motion that we accept the repairs proposal, not to exceed \$5,462. Dunja seconded the motion which passed unanimously. After reviewing

the parts and supplies proposal, John Hansman made a motion that we accept the parts and supplies proposal, not to exceed \$1,634. Dunja seconded the motion which passed unanimously.

**ADA Handicap pool lifts:** Due to 2010 changes to the ADA Standards for Accessible Design, NMC is required to provide two entry systems to make the pool accessible and usable by individuals with disabilities. Two systems are required for NMC's main pool. It was determined that pool lifts would be the most cost effective means of entry. Jim gave the board three proposals ranging in price from \$7,260 to \$13,460. After discussion, John Brown made a motion that we accept the proposal from Continental Pools for \$7,560 for two Spectrum Freedom Stationary lifts. John Hansman seconded the motion which passed unanimously.

**Pool Furniture proposals:** Jim gave the Board two proposals to replace fifteen chaise lounges, ten new dining tables and twenty two new umbrellas. We received a proposal from Criterion Inc. for \$9,136.50 and a proposal from Alumatech Inc. for \$9,734. Jim mentioned during researching pool furniture suppliers on the web, he noticed that other vendors were also quoting Alumatech products. After discussion, John Brown made motion that we accept the proposal from Criterion Inc. for \$9,136.50. Dunja seconded the motion which passed by a vote of four member in favor and one member opposed. Those in favor were John Brown, John Hansman, Dunja Baker and Margaret Chao. Lori Nicely was not in favor of the proposal.

**New hot water heater for the clubhouse:** Jim told the Board he met with another vendor about on demand style hot water heaters. This vendor was proposing a hybrid system that would combine an on demand hot water heater with fifty gallon storage tank. The fifty gallon tank would supplement the on demand system during our peak usage during the summer. Jim will solicit proposals from other vendors.

**Tennis & basketball court repairs:** Jim will have additional proposals for the Board to review next month.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, APRIL 11, 2012**

**ATTENDEES:** Margaret Chao, Ellen Stein, Jeff Miller, John Hansman, Dunja Baker, John Brown, Bob Gieske and Jim Denny.

**Board members absent:** Lori Nicely

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville was not able to attend the meeting.

Robert Gieske was present to discuss NMC parking rules and regulations. He received a notice to install current registration tags on his vehicle or remove the vehicle from community property by March 24, 2012. He was requesting a time extension from the Board concerning the removal of his automobile. The Board told Bob they will discuss his request in the 'New Business' portion of the meeting and Jim will let him know of their decision.

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

**Officer and Committee Reports:** No Committee members present for Community Forum.

Upon a motion by John Brown and seconded by John Hansman, the minutes of the March 2012 board meeting were unanimously approved with the changes noted.

**Administrators Report**

**Dues:** Jim informed the Board eleven residents have not paid the first installment of the 2012 home owners' association dues. Six residents have outstanding dues balances from prior years.

**2011 Annual audit:** Jim reviewed the audit finding with the Board. One suggestion from the auditors was to commission a new reserve study. Jim will research local firms that specialize in reserves studies and report back to the board. He mentioned he has scheduled a meeting with our auditors, De Leong and Stang to review and process the adjustment journal entries they recommend to balance our accounts. After the adjustment entries have been made, we will sign the representation letter.

**1<sup>st</sup> quarter financial reports:** Jim gave the Board an update on the financial status of the Association as of March 31, 2012. He presented the Income Statements, actual expenses year-to-date versus the budget and reviewed the Association's Operating and Reserve Funds balances as March 31, 2012. In addition to the financial statement, NMC bank statements dated March 31, 2012 were included in the Board's review package.

## **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim mentioned there will be a meeting at the Nursing Home on April 17<sup>th</sup> to discuss to proposed expansion plans.

**Community Enhancement Report:** Richard Berman sent the Board a detailed report from his visual inspection of the community as Community Enhancement Committee chairperson. He identified maintenance issues on individual homes as well as Association property. A quick analysis of the list showed a total of eighty six items. Of the eighty six, sixty nine were individual homes and seventeen were on Association owned property. Jim explained the notification process that had been used in the past. After discussion, the Board agreed to do further analysis to determine the most common type of maintenance issues and develop a "Top 10" list with recommended repair actions to be published in the newsletter. They did not want to send individual form letters.

## **New Business**

**Insurance renewal:** Jim gave the Board a proposal from the Russell Insurance Group to renew the Association's Commercial liability, workers compensation and commercial umbrella insurance coverage. The premium was \$22,966 which is an increase of \$1,396 over the 2011 policy. Jim mentioned that he and Margaret met with our agent, Nathan Russell to review our insurance coverage and determine if it was possible to reduce our premium. He will get back to us with the changes we proposed and the cost of the additional coverage requested. Nathan will also provide a premium quote for sexual molestation and sexual harassment liability coverage. After discussion, Jeff made a motion that we accept the renewal insurance proposal from Russell Insurance for \$22,966. John Brown seconded the motion which passed by a vote of four in favor and two opposed. Dunja, Margaret, John Brown and Jeff voted in favor of the motion. John Hansman and Ellen voted in opposition of the proposal.

**Tennis Court and basketball court repair proposals:** We received three proposals to repair the tennis and basketball courts. The cost ranged from \$7,800 to over \$25,000 depend on the options selected and the warranty. After discussion, John Brown made a motion that we accept the proposal from Bishop's Tennis, Inc. to repair the tennis courts using the total mesh overlay option which has a warranty of five years for \$16,730. He also made a motion that we accept the basketball repair proposal with the option to

relocate and install new backboard post for \$7,700. Dunja seconded the motion which passed unanimously.

**On Demand hot water heaters:** We received three proposals to replace the hot water heater in the clubhouse. The proposals ranged in price from \$4,664 to \$7,980. The original plan was to replace our commercial 85 gallon hot water heater with an on-demand hot water heater. After meeting several contractors, it was determined that a on-demand system would not adequately meet our summer hot water demands. The proposals ranged from a like for like replacement of our existing hot water heater to a hybrid on-demand system utilizing a 120 gallon storage tank. After discussion, the Board instructed Jim to get additional proposals

**Lake shore planting:** Jim gave the Board two proposals to install ornamental grasses on the south end of the lake shore. Since the plantings will be installed on the dam face, they must be non-woody plants. Ellen Stein mentioned she reviewed all the species recommended and recommended the ornamental grasses suggested by Meadows Farms would be acceptable, however we should eliminate the proposed perennials. After discussion, John Brown made a motion that we accept the proposal from Meadows Farm for \$1,461. Ellen seconded the motion which passed unanimously.

**Replace handrail on the steps leading to the lake:** Jim gave the Board a proposal from Actin Fabricators to replace the wooden handrails leading to the lake steps with steel handrails with ADA compliant ends for \$3,975. We used Action Fabricators in 2010 to install similar handrails on the steps next to the clubhouse and on the steps leading to the clubhouse parking lot. They had the best price and the installation was excellent. After discussion, Jeff Miller made a motion that we accept the proposal from Action Fabricators. John Brown seconded the motion, which was approved by a vote of five to one. Margaret, John Brown, Dunja, Jeff and Ellen voted in favor of the motion. John Hansman abstained.

**Robert Gieske request:** After discussion, the Board agreed to grant Mr. Gieske an extension until May 10<sup>th</sup> to obtain current registration for his vehicle or remove it from community property.

The American Institute of Architects National Convention will visit New Mark Commons on May 16, 2012 as part of their bus tours of communities in the Washington area.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, MAY 3, 2012**

**ATTENDEES:** Margaret Chao, Ellen Stein, Jeff Miller, John Hansman, Dunja Baker, John Brown, Lori Nicely, Rocio Snowdy and Jim Denny.

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville had several items to share with the Board. Home Town Holiday's was scheduled for the Memorial Day holiday. The new Rockville Police Department headquarters is scheduled to open on time this summer. The construction of the Victory Housing apartments is progressing. They have started clearing trees from the site. At the May 7<sup>th</sup> Mayor & Council meeting they will hear public comments on the proposed fiscal year 2013 budget. The Farmers Market returns to Rockville on Saturday, May 12<sup>th</sup>.

**Officer and Committee Reports:** No Committee members present for Community Forum.

Upon a motion by Jeff Miller and seconded by John Brown, the minutes of the April 2012 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board eleven residents have not paid the first installment of the 2012 home owners' association dues. Six residents have outstanding dues balances from prior years.

**2011 Annual audit:** Jim informed the Board the adjustment journal entries, recommended by auditors, have been completed. We plan to sign the representation letter this evening and DeLeon & Stang will finalize the audit.

**Insurance update:** We inquired from our insurance agent of the Russell Insurance Group, if there was coverage available for sexual harassment and molestation. He found coverage, but the minimum premium was \$7,000. We also plan to check with Continental Pools to see if their insurance policy covers sexual harassment and molestation and to check with our attorney if a release of liability would be appropriate.

**Pool update:** The "in pool" repairs will start no later than Monday, May 7. The pre-opening inspection by the Montgomery County Health Department is scheduled for Monday, May 14<sup>th</sup> at 10 a.m. The two ADA pool lifts, ordered early this spring, should be installed by opening day. Garden Club members Ellen Stein and Hans Schierling have installed new flowers in the planters on the pool deck.

## **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** Jim mentioned there will be a meeting at the Nursing Home on May 8<sup>th</sup> to discuss to proposed expansion plans.

**Tennis Court and basketball court repair proposals:** Last month the Board approved the repair of the tennis court and basketball court. An option approved for the basketball court was removal of the existing poles and relocating the new poles so a full width court could be laid out. The proposal did not include new backboards and rims. We received a proposal for new backboards and nets for \$780. After discussion, Jeff made a motion that we accept the proposal for an additional \$780. Dunja seconded the motion which passed by a vote of six in favor and one opposed. Margaret Chao, Ellen Stein, Jeff Miller, Dunja Baker, John Brown, Lori Nicely voted in favor of the motion and John Hansman voted in opposition to the motion.

**Lake shore planting:** The installation of the ornamental grasses and the willow tree will take place this month.

**Replace handrail on the steps leading to the lake:** The handrails are scheduled to be install next week.

**Property Enhancement Report:** Ellen Stein categorized the report Richard Berman submitted to the Board. The report covered maintenance and repairs needed to individual homes and community owned property. The most common issues for individual homes were: house numbers not visible or hard to read, broken or non-compliant light fixtures; gutters overflowing or loose; roofs needing repair or inspection by licensed contractor. Items on the community owned property list included the following: metal handrails throughout the community that need painting; landscape debris dumped on community property; street signs and parking signs that need to be cleaned; several Verizon boxes with loose lids. After discussion, the Board decided a newsletter article would be the best way to get the information to the community.

## **New Business**

**Sapling planting:** Linda has two saplings she would like to plant on community property. Jim will find a suitable location for the trees.

The American Institute of Architects National Convention will visit New Mark Commons on May 16, 2012 as part of their bus tours of communities in the Washington area.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JUNE 7, 2012**

**ATTENDEES:** Margaret Chao, Jeff Miller, John Hansman, Dunja Baker, John Brown, Bob Turner, Bob Gieske and Jim Denny.

Absent Board members: Ellen Stein and Lori Nicely

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville was unable to attend but sent the Board an email with describing coming events in the City.

Bob Turner, 605 Tegner Way, came to the Board meeting to request the Association remove or trim two large poplar trees behind his home. Jim told the Board that he, Bob Turner and Jim Whalen met with Jamie Smith, President of Bonifant Tree Service. Jamie assessed the condition of the trees and determined an action plan to address Bob and Jim's concerns while maintaining the health of the tree. Jim mentioned he had a proposal from Bonifant Tree Service with several options which the Board can consider under New Business.

Robert Gieske was present to update the Board on the steps he has taken to get current license tags on his automobile parked in front of 262 New Mark Esplanade.

**Officer and Committee Reports:** No Committee members present for Community Forum.

Upon a motion by Jeff Miller and seconded by John Brown, the minutes of the May 3, 2012 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board seventy-six residents have not paid the second installment of the 2012 home owners' association dues. This includes two residents who have not paid any 2012 dues and six residents have outstanding balances from prior years.

**Pools status:** We have three new lifeguards this summer. Our manager, Marko, worked for Continental Pools last year. The other two are new lifeguards and this is their first visit to the United States. We have three home swim meets this year. The Swim Team banquet is scheduled for July 21<sup>st</sup>. The 4<sup>th</sup> of July is a Wednesday this year and we will hold our usual community celebration. The 'adults only' pool party is scheduled for Saturday, July 28<sup>th</sup>. We have twenty seven non-resident members this year which represents \$14,850 in revenue for the Association. We received a Certificate of Liability from Continental Pools insurance carrier. It was mentioned we need a female lifeguard at the pool. John Hansman suggested we post photos of the guards with their names.

John Hansman mentioned he tried out the newly installed ADA compliant lifts and they worked properly.

**2011 Annual audit:** Jim informed the Board we have received the final audit review for 2011.

**Lake:** Jim mentioned we have a small outbreak of Duckweed at the dam end of the lake. Solitude Lake Management has been informed and is treating it as necessary. There have been beaver sightings at the lake.

### **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** The Board of Appeals meeting is tentatively scheduled for July 14, 2012.

**Tennis court and basketball court repair proposals:** The courts are scheduled to be repaired in the middle of June.

**Lake shore planting:** The ornamental grasses and the willow tree have been planted.

**Replace handrail on the steps leading to the lake:** The handrails have been installed.

**Bob Gieske parking request:** After discussion, the Board agreed to give Bob until July 1, 2012 to obtain current registration for his automobile or remove it for New Mark Commons' property.

### **New Business**

**Sonabank acquired HarVest Banks assets:** The Association has two Certificates of Deposit (CD) with HarVest Bank that has recently been acquired by Sonabank. Jim will check with the bank to determine the new interest rate being paid on our CDs.

**Jim Whalen email – poplar trees:** Topic address by Bob Turner during Community Forum. We will discuss when reviewing Bonifant Tree Service proposal.

**Jeri Rogin email – tree removal request:** Ms. Rogin is requesting two trees be cut down behind her home. She believes the height and sway of the trees present a danger to her home. Jim mentioned that Jamie Smith, President of Bonifant Tree Service looked at the trees and made the following observation: the trees appear to be healthy with no obvious signs of decay or infestation. They appear to have a healthy root system and the tree's roots are probably intertwined which would give them additional support. There is no reason to remove the trees at this time.

**Bonifant Tree Service proposal:** Jim gave the Board a proposal from Bonifant Tree Service for \$11,275 for tree trimming and tree removal throughout the community. Jim mentioned he received an email from Bonifant offering a 10% discount on the proposal. After discussion, the Board decided to accept some of the items on the proposal. John Brown made a motion that the Board accepts the proposal from Bonifants Tree Service, not to exceed \$5,700. Jeff Miller seconded the motion which passed unanimously. Jim will ask Bonifant if the 10% discount applies if we only accept several items on the proposal.

**Parking rules & regulations review:** Jim gave the Board a couple of the Associations' parking Rules and Regulations which were adopted in the late 1980's. They supplement the Association's Declaration of Covenants. Jim mentioned we should review the regulations and discuss at the next Board meeting. John Hansman offered to review our governing documents for any additional parking regulations.

John Hansman mentioned the pine tree in the circle of Potomac Valley Road appears to have an insect infestation. Jim will ask Wayne Noll, City Forrester, to evaluate the condition of the tree. We should also mention that residents with property that abuts the City sidewalks have a responsibility to keep the sidewalk clear of branches.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, JULY 5, 2012**

**ATTENDEES:** Margaret Chao, Jeff Miller, John Hansman, Dunja Baker, John Brown, Ellen Stein and Jim Denny.

Absent Board members: Lori Nicely

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator from the City of Rockville was unable to attend.

There were no resident present for Community Forum.

**Officer and Committee Reports:** No Committee members present for Community Forum.

Upon a motion by John Brown and seconded by John Hansman, the minutes of the June 2012 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board nineteen residents have not paid the second installment of the 2012 home owners' association dues. This includes one resident who has not paid any 2012 dues and four residents have outstanding balances from prior years.

**Pools status:** The 'adults only' pool party is scheduled for Saturday, July 28<sup>th</sup>. We have thirty one non-resident members this year which represents \$17,050 in revenue for the Association. A female lifeguard has been added to the staff during the week. It was mentioned the guards need to be more consistent in enforcing the pool rules. They also need to make an announcement they are closing the pool five and ten minutes before closing time. Jim gave the Board a copy of an unsolicited proposal from Continental Pools for a new plaster white coat for \$31,800. Jim mentioned we will solicit other opinions of our pool condition.

**Lake:** We have a beaver vacationing at the lake this summer. He has done damage to the willow trees around the lake but it appears he has not traveled up the stream under the lake bridge. Richard Berman has reinforced the wire wrapping around all the trees adjacent to the lake. Jim met with a representative from AR&R Trapping Service to discuss trapping beavers. They can be trapped but there is the possibility that other beavers would take up residence in the lake.

**Reschedule July 4<sup>th</sup> celebration:** Due to the storm and power outage, our annual 4<sup>th</sup> of July celebration was cancelled. After discussion, it was decided that we will have a Labor Day celebration. It will be held on Sunday, September 2<sup>nd</sup> with a lunch by John

Brown (JB) and a DJ providing music. Many of the same events 4<sup>th</sup> of July events will also take place.

**Storm Update:** Jim gave the Board an update on the storm damage throughout the community. Most of the community suffered a power outage on Friday evening, June 29 around 10 p.m. that lasted until Tuesday morning, July 3 at 2:00 a.m. The community owned forest along the bike path and around the clubhouse suffered extensive damage. The tops of a number of Poplar trees broke with some landing on the roofs of homes that back up to the path. Several trees were up rooted and toppled. A large amount of debris blocked both sides of the bike path. We had two tree crews from Bonifants Tree Service in the community on July 2<sup>nd</sup> and 3<sup>rd</sup> along with crews from Stolburg Landscaping removing debris. The tree company focused on broken tree tops that were suspended over the bike path, sidewalks and around the clubhouse. A number of homes in the community suffered roof and gutter damage.

**2<sup>nd</sup> quarter financial update:** Due to the power outage, Jim did not have a full financial review for the Board. He provided copies of our bank statements as of June 30, 2012.

### **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** The Board of Appeals meeting is tentatively scheduled for July 14, 2012 was cancelled.

**Tennis court and basketball court repair proposals:** The tennis courts and basketball court repairs have been completed. There is a problem with the nets on the basketball goals. Jim will have the contractor repair or replace the nets or goals as required.

**Bob Gieske parking request:** After discussion, the Board agreed to give Bob until August 1, 2012 to obtain current registration for his automobile or remove it for New Mark Commons' property.

### **New Business**

**Power Systems Electric proposal:** The lights along the bike path are staying on longer than they should. The trees over the photo cells appear to be the cause. Jim gave the Board a proposal from Power Systems Electric for two weatherproof, astronomic time clocks to replace the existing photocells that control the lights on the bike path. The proposal was for \$940. After discussion, the Board agreed to investigate if repositioning the existing photo cells and pruning the trees would resolve the problem.

**Continental Pools proposal:** Jim gave the Board a proposal from Continental Pools for \$690 to cover an additional 30 minutes per day to enable the life guards to prepare the pool for opening. After discussion, John Brown made a motion that we accept the proposal for \$690. Jeff Miller seconded the motion which was unanimously approved.

## **Miscellaneous items**

Ellen Stein asked if there were any rules or regulations in the Association's governing documents pertaining to installation and operating of generators. Jim mentioned they are not included in our Architectural Control Guidelines. Margaret mentioned they have to conform to existing Montgomery County noise guidelines.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, AUGUST 2, 2012**

**ATTENDEES:** Margaret Chao, Jeff Miller, John Brown, Lori Nicely, Rocio Estrada and Jim Denny.

Absent Board members: Dunja Baker, Ellen Stein and John Hansman

**Community Forum:** Rocio Snowdy, Neighborhood Resources coordinator had several items to share with the Board. Dawson Market is planning to open in October. The Good Neighbor Awards process will begin in October. The Bar Louie is doing well since opening in Town Center.

There were no residents present for Community Forum.

**Officer and Committee Reports:** No Committee members present for Community Forum. Jim mentioned the Tree Committee chairperson is probably resigning.

Upon a motion by John Brown and seconded by Jeff Miller, the minutes of the July 2012 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board thirteen residents have not paid the second installment of the 2012 home owners' association dues. This includes four residents who have outstanding balances from prior years.

**Pools status:** We have thirty three non-resident members this year which represents \$17,782 in revenue for the Association. A female lifeguard has been added to the life guard staff during the week. Our new manager is doing a good job and the pool appears running well. The adults' only pool party held on July 28<sup>th</sup> was a success. Nearly 50 residents attended.

**Lake:** We have a beaver vacationing at the lake this summer. He has done damage to the willow trees around the lake but it appears he has not traveled up the stream under the lake bridge. Jim met with a representative from AR&R Trapping Service to discuss trapping beavers. They can be trapped but there is the possibility that other beavers would take up residence in the lake. The Board decided not to trap the beaver at this time. We will continue to monitor his activity and continue wrapping trees as required.

**Storm Update:** Jim gave the Board an update on the storm damage. To date, we have spent \$11,472 with Bonifant Tree Service and \$13,970 with Stolburg Landscaping Inc. on the cleanup. Jim anticipates we will spend an additional \$25,000 to \$30,000 before all storm debris, tree removal and pruning are finished.

**2<sup>nd</sup> quarter financial update:** Jim gave the Board an update on the financial status of the Association as of July 31, 2012. 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 July 31, 2012.

### **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** New plans are being developed by the architect for the project. When they are completed they will schedule a meeting to review the new plans with the all interested parties.

**Bob Gieske parking request:** After discussion, the Board agreed to give Bob until September 1, 2012 to obtain current registration for his automobile or remove it from New Mark Commons' property.

### **New Business**

**Officers & Director's insurance policy renewal:** Jim gave the Board a proposal from the Russell Insurance Group for the renewal of the Association's Officers and Director's liability insurance policy. The 2012 premium is \$1,750 which is an increase of \$81 over the 2011 premium. After discussion, Jeff Miller made a motion that we accept the proposal from the Russell Insurance Group for \$1,750. Lori seconded the motion , which passed unanimously.

### **Miscellaneous**

Jim gave the Board an email from a resident mentioning several landscape and home maintenance issues in the 800 block of New Mark Esplanade. The Board discussed the issues and instructed Jim to start notifying the residents of the items noted.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, SEPTEMBER 6, 2012**

**ATTENDEES:** Margaret Chao, John Brown, Lori Nicely, Ellen Stein, Jonathan Smith, Marc Dubick and Jim Denny.

Absent Board members: Dunja Baker, John Hansman and Jeff Miller

**Community Forum:** Rocio Snowdy, Neighborhood Resources, was not able to attend but sent an email with several items for the Board:

TCAT is having a meeting September 18, at City Hall, to discuss the JGB/Old Giant Site project and other projects around the area.

The Police Station is almost complete. They will begin to move people within the next few weeks.

There is a voter registration drive this Saturday, September 8<sup>th</sup> at various locations in the City. The City's website has more information for locations and times.  
<http://www.rockvillemd.gov/residents/voterregistration>.

The City of Rockville is inviting proposals for use of Community Development Block Grant (CDBG) funds for Fiscal Year 2014. Proposals should be submitted to the Department of Community Planning and Development Services no later than 5:00 p.m. on Wednesday, October 3, 2012. The website is the following:  
[http://www.rockvillemd.gov/government/cpds/cdbg\\_application](http://www.rockvillemd.gov/government/cpds/cdbg_application).

The deadline to nominate a Good Neighbor for the Good Neighbor Award program is October 5. You can submit an application online.

Marc Dublick, President of Duball LLC, was present to discuss their plans for the development of the area in front of Regal Theaters. Phase one will be a fifteen story mixed unit apartment building, hotel and ground level retail. There will be approximately five hundred and sixty parking spaces in the building. The estimated start date is November 1, 2012 and it will take approximately twenty eight months to complete.

Jonathan Smith was present for Community Forum.

**Officer and Committee Reports:** Gene Silverman was announced as the new chairperson of the Tree Committee.

Upon a motion by John Brown and seconded by Lori, the minutes of the August 2012 board meeting were unanimously approved.

## **Administrators Report**

**Dues:** Jim informed the Board eight residents have not paid the second installment of the 2012 home owners' association dues. This includes four residents who have outstanding balances from prior years.

**Pools status:** We had thirty three non-resident members this year which represents \$17,782 in revenue for the Association.

**Lake: The** beaver has returned. He destroyed two bushes behind 323 NME but no other damage has been detected. After discussion, John Brown made a motion that we hire a trapper to remove the beaver. The motion was not seconded.

**Labor Day party:** Jim mentioned the party was a great success. The Swim Team made a little over \$400 in profit from the cookout. After discussion, the Board agreed to continue with the annual 4<sup>th</sup> of July celebration but consider adding a Labor Day party.

**Storm Clean up:** Jim mentioned Bonifant Tree Service will be in the community on September 5<sup>th</sup>, 7<sup>th</sup> and 12<sup>th</sup>. They are concentrating on removing damaged tree tops, elevating, removing dead wood and thinning tree canopies.

## **Old Business**

**Potomac Valley Nursing Home and Wellness Center expansion:** Margaret mentioned she attended the September 5<sup>th</sup> meeting where the new plans were presented to the community. The addition will be smaller than the original and relocated further west on the building. There will not be any outpatient services offered at the facility. The construction workers will be bused to the site from remote parking areas.

**Parking Rules and Regulations:** It was decided we would wait until John Hansman was present to discuss the new regulations.

Bob Gieske has obtained current registration for his vehicle.

## **New Business**

**Tree grant from the Chesapeake Bay Trust:** Jim mentioned that he, Ellen Stein and Gene Silverman will be reviewing the grant application and determine if it is feasible for New Mark Commons to apply.

**Tree removal proposals:** Jim gave the Board three proposals for removal of damaged trees and the removal of all storm debris remaining on the ground on the common areas. The proposals ranged in price from \$7,800 to \$13,275. After discussion, John Brown made a motion that we accept the proposal from Custom Touch Tree Services for \$7,800. Lori seconded the motion which passed unanimously.

**PEPCO tree trimming:** Jim told the Board he met with a PEPCO contractor who wanted to trim the trees on New Mark Commons' property that posed a threat to the overhead power lines supplying the Fireside Apartment Complex. Approximately fourteen trees were identified. The work will take place in October or early November.

**Date for Board of Director's Open House:** After discussion, October 20<sup>th</sup> was selected as the date. Since three Board members were absent this month, Jim will send a note next week to everyone to make sure October 20<sup>th</sup> is acceptable to all the Board members.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, OCTOBER 4, 2012**

**ATTENDEES:** Margaret Chao, John Brown, Lori Nicely, Ellen Stein, John Hansman, Dunja Baker, Richard Berman, Lilian Rosenbaum, Daisy Freerks, Karl Freerks, Sharron Young, Greg Dundas, Rocio Snowdy and Jim Denny.

Absent Board members: Jeff Miller

**Community Forum:** Rocio Snowdy, City of Rockville's Neighborhood Resources coordinator had several items of interest for the Board:

The deadline to nominate a Good Neighbor for the Good Neighbor Award program is October 5. You can submit an application online.

The new Rockville Police Department will be dedicated on Saturday, October 20<sup>th</sup>.

Duball LLC will be starting construction of the new hotel/apartment building in front of the Regal Theaters in November. The City and Duball are working on parking plans for the area during construction. The City will install new parking signs once the plans are finalized.

Victory Housing Apartment complex has a tentative completion date late summer of 2013.

Enrollment for Rockville University is beginning soon.

Daisy and Karl Freerks, Sharron Young and Greg Dundas were present to discuss an issue they are having with the City of Rockville Public Works Department. There was a water main break in front of 846-852 New Mark Esplanade during the night of August 17, 2012. The basements of the four homes were flooded. The City is denying liability for the water main break and refusing to pay for damages. The resident's home owners insurance is also refusing to pay for damages because the water pipe break occurred on the outside of the home. The residents were asking the Board for advice in dealing with the City. Margaret suggested they talk to Craig Semoneaux, the Director of Public Works for the City.

Richard Berman and Lilian Rosenbaum were present to discuss the proposed purchase of the Fireside Park Apartment complex by the Rockville Housing Enterprise (RHE). They were opposed to the City of Rockville providing financial assistance to RHE for the purchase of Fireside Park Apartments. Margaret gave a brief overview of the sale of the Fireside Park Apartments. Priderock Capital Partners made offer to purchase the apartments. The City has the right of first refusal to match the offer when a sale of a multi-family building occurs. The City granted their right of first refusal to RHE so

they could develop a plan to purchase Fireside Park Apartments. The Board discussed if they should take a position on the purchase of Fireside Park Apartments by RHE. The opposition to the purchase is the financial contribution by the City to RHE in the form of a loan and grants. In addition, the fact that a private buyer is ready to proceed to purchase verses the RHE. After discussion, there was a motion that the New Mark Commons Board of Directors take a position in opposition to the purchase of Fireside Park Apartment by RHE. The motion was seconded and approved by a vote of four in favor, one in opposition and one abstention. Margaret Chao, John Hansman, Ellen Stein and Lori Nicely voted in favor of the motion. John Brown was opposed to the motion and Dunja Baker abstained. John Hansman offered to draft a statement of the Boards position for all to review and present it at the next City of Rockville Mayor and Council meeting. The following is the statement John Hansman presented at the October 8<sup>th</sup> Mayor and Council meeting.

**Fireside Park Testimony for the October 8, 2012, Mayor & Council meeting  
Citizen's Form**

My name is John Hansman. I live at 6 Radburn Court, Rockville 20850. I am here representing the Board of Directors of the New Mark Commons Homes Association, a community of 384 homes adjacent to Fireside Park. We offer testimony on the proposal by RHE to purchase the Fireside Park apartments.

We have reviewed the information available about on the City's web site. We also looked at the RHE web site. Our review leaves us very concerned about such a major commitment of city funds for a project whose need has not been justified.

The City would have to come up with \$2 million, a \$200,000 grant and \$1.8 million in an interest-only 3 percent loan with all of the principal supposedly payable in seven years. What is the source of such funds? A bond issue? At what cost? Or would it be to postpone projects now in the capital improvements program? Which projects? What would be the impact on the community? What is the risk that RHE would not be able to repay the City in seven years. We have seen no explanation or analysis on these topics.

Further, the RHE numbers in its financials are confused. Although RHE wants \$200,000 of the \$2 million as a grant, it shows the City getting interest on the entire \$2m @ 3% over 7 years. In fact, the City might earn \$378,000 in interest, not the \$420,000 shown by RHE. Just another example of unclear thinking.

RHE also wants the City to forego a payment in lieu of taxes which represents an on-going subsidy of more than \$60,000 per year, rising over time. That \$60,000 per year represents the entire City property tax payment for about 60 homeowners. Their money should not be lightly taken.

The New Mark Board also looked for justification for changing the ownership of Fireside Park. The only argument we have seen is RHE's guess that continued commercial ownership would lead to much higher rents. But RHE has offered no facts or analysis of the local apartment market and no facts or analysis of the rental history of similar garden apartment projects that supports their fear.

Fireside Park, or Summit Apartments as it was known when I lived there 45 years ago, has always been moderately priced housing. It is wood frame and drywall construction that allows a lot of noise between apartments. There are no elevators. What evidence is there that such standard garden apartments will suddenly allow luxury rents? By contrast, the Fields apartments, which is 199 units of affordable housing located about 2 blocks down the street from Fireside Park, are offering major rent discounts to attract tenants. Why?

A perfectly reasonable scenario for the future is that a new commercial owner would make necessary and desirable renovations to keep this project attractive as what it is now, moderately priced basic apartments. Why not invite Priderock to present to the Council their proposal and assess its reasonableness before rushing to risk so much City money on an alternative?

What the City Council has before it is a hasty proposal with no real analysis of the fiscal impact on the City capital program and operating budget. And no real justification of the public purpose in taking these apartments out of private ownership. The citizens of Rockville deserve better. Thank you.

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

Upon a motion by Ellen Stein and seconded by Margaret Chao, the minutes of the September 2012 board meeting were unanimously approved.

### **Administrators Report**

**Dues:** Jim informed the Board seven residents have not paid the second installment of the 2012 home owners' association dues. This includes four residents who have outstanding balances from prior years.

**Board of Director's Open House:** The Open House will be held on October 20<sup>th</sup> from 5 to 7 p.m. in the clubhouse.

**Community Clean Up:** The cleanup of the woods along the bike path will take place on November 3<sup>rd</sup>. We will meet in the clubhouse at 9 a.m.

**3<sup>rd</sup> quarter financial update:** Jim gave the Board an update on the financial status of the Association as of September 30, 2012. 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, 2012. We are over budget on the tree maintenance line, \$37,222 spent YTD versus a \$30,000 budgeted. We are also over budget on additional landscape maintenance due to storm clean up. We have spent \$18,014 YTD, versus a \$10,750 budget. On the positive side we have only spent \$2,150 in snow removal so for this year versus the \$24,000 budgeted.

## **Old Business**

**Tree grant from Maryland:** After reviewing the grant package, it was determined that NMC was not eligible to participate at this time.

**Parking Rules and Regulations:** John Hansman presented the revised New Mark Commons Parking Regulation to the Board. Margaret thanked John for the taking on this task. After discussion, John made a motion that the Board adopt the new parking regulations effective January 1, 2013 and the new regulations be posted on the NMC website. Ellen seconded the motion which passed unanimously.

## **New Business**

**Fireside Park Apartments purchase by Rockville Housing Enterprise (RHE):** This topic was discussed earlier in the meeting.

**Stolburg Landscape Inc. proposal:** Jim gave the Board a three year renewal proposal from Stolburg Landscaping. There was a 1% increase for 2013 over the 2012 contract price to \$44,034 and a 2% increase for 2014 and 2015 respectively. Jim will solicit proposals from additional landscape contractors.

**Rhonda Gordon's sewer blockage problem:** Rhonda who resides at 400 New mark Esplanade has experienced sewer backup in her basement three times in the last two years. The City has responded and cleaned the lateral line from a clean out near the the street and that section of pipe has been clear. They state that is the limit of their responsibility. The plumbers she hired believe tree roots have blocked the sewer pipe between her home and the City's clean out access. The City say that area is not their responsibility and the owner, the New Mark Commons Homes Association, is responsible for maintenance of this section of pipe. Rhonda is asking that the Association reimburse her \$1,385 for the three plumbing service calls to clear the blocked sewer line and an annual snaking of the line until the problem is permanently fixed. This is the first situation that Jim is aware of that the City has not assumed responsibility of a lateral sewer line to a resident's property line. The Board instructed Jim to contact our attorney and the City to obtain additional information on the ownership, maintenance and repair responsibility.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, NOVEMBER 1, 2012**

**ATTENDEES:** Margaret Chao, John Brown, John Hansman, Dunja Baker, Jeff Miller, Stan Sirotkin, Rocio Snowdy and Jim Denny.

Absent Board members: Ellen Stein and Lori Nicely

**Community Forum:** Rocio Snowdy, City of Rockville's Neighborhood Resources coordinator had several items of interest for the Board:

Duball LLC will be starting construction of the new hotel/apartment building in front of the Regal Theaters in mid-November.

The Mayor & Council are expected to make a decision on the purchase of Fireside Park Apartments by the Rockville Housing Enterprise (RHE) at the November 15, 2012 meeting.

The ice rink in the Town Center square is scheduled to open on November 9<sup>th</sup>.

John Hansman asked if there were any plans for the old District Court building. Rocio said no decisions have been made for the building at this time.

Stan Sirotkin was present for Community Forum. He wanted to discuss the Architectural Control Committee (ACC) application for the proposed addition in the rear of 24 Welwyn Way.

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

Upon a motion by John Hansman and seconded by Dunja Baker, the minutes of the October 2012 board meeting were unanimously approved as corrected..

**Administrators Report**

**Dues:** Jim informed the Board seven residents have not paid the second installment of the 2012 home owners' association dues. This includes four residents who have outstanding balances from prior years. One home has been foreclosed and Wells Fargo Bank now owns the property effective April 27, 2012.

**Board of Director's Open House:** The Open House held on October 20<sup>th</sup> was a great success. Approximately one hundred residents attended the event. .

**Community Clean Up:** The cleanup of the woods along the bike path will take place on November 3<sup>rd</sup>. We will meet in the clubhouse at 9 a.m.

**2013 proposed budget:** Jim gave the Board the proposed budget for 2013. He also included income and expenditures as of 10/31/2012 versus the 2012 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 2011 to September 2012 was two point eight percent (2.8%). Jim presented a proposed budget for 2013 that reflected a 2.8% increase.

After discussion, John Hansman made a motion that the proposed 2013 budget with the 2.8% increase be published in the NMC Newsletter and distributed to all residences in the community. John Brown seconded the motion which passed unanimously. The two point eight 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 \$341,077 which is \$498 more than expected. Projected expenses are \$326,836 which is \$13,748 under budget. The total projected under budget will be \$14,241.

### **Old Business**

**Potomac Valley Nursing and Wellness Center:** The meeting to discuss the expansion plans has been postponed until January 2013.

**Jehovah' Witness Church expansion plans:** The Area Meeting to review the proposed expansion plans for the church will be held at City Hall on November 7, 2012 at 7:00 p.m.

**New Parking rules & Regulations:** The revised Parking Rule and Regulations have been posted on the NMC website and will be published in the next NMC Newsletter.

**NMC Phone Directory:** The NMC phone directory is now on our website in the 'Residents Only' section.

**Sewer blockage at 400 New Mark Esplanade:** Ms. Gordon, who resides at 400 New Mark Esplanade, has experienced sewer backup in her basement three times in the last two years. The City responded and snaked the lateral line from a clean out near the street to the main line. That section of pipe was clear. They state that is the limit of their responsibility. The Board instructed Jim to contact our attorney and the City to obtain additional information on the ownership, maintenance and repair responsibility of the sewer lines on Association property.

**Request for removal of tree on NMC owned property:** Mr. B. Moradi, who resides at 878 New Mark Esplanade, sent Jim an email requesting the Board to share the expense of removing the large maple tree on common property that is adjacent to the front of his home. This tree has been a concern of the Moradi's for years. He believes the tree presents a hazard to his home. He stated he has already incurred expenses in removing fallen branches from his roof and property. Last year the Board granted Mr. Moradi permission to remove the tree at his expense. The Board decided to formulate a policy to handle this type of request. The process agreed upon is the following:

- The Administrator will submit an Application for Significant Tree Removal Permit to the City of Rockville.
- The cost of the application will be paid by the homeowner requesting the tree be removed.
- If the City approves the Application, the Administrator will solicit bids from three contractors for the removal of the tree and stump. If the city does not authorize the removal of the tree, the request will be denied.
- The cost of removal of the tree and the stump will be shared equally between the Association and the homeowner requesting the removal.
- The homeowner will also be responsible for the purchase and installation of the required number of replacement trees as specified on the Permit.
- The planting locations will be determined by the Association.
- Once the bids have been reviewed by the homeowner and the Administrator and a contractor selected, the homeowner will give the Administrator a check made out to New Mark Commons HOA for one half of the contract amount. The Administrator will then schedule the tree removal with the agreed upon contractor.

After discussion, John Hansman made a motion that the Board adopts the process for removing a live tree from Association property. Jeff Miller seconded the motion which passed by a vote of four in favor and one abstention. Margaret, Jeff, John Hansman and Dunja voted in favor of the motion. John Brown abstained.

**Portable On Demand (POD) storage containers:** The Board is considering a request to adopt a policy concerning the use of PODs throughout the community. The discussion covered POD placement in townhome parking lots and the detached homes section of the community and the length of time a POD could remain on site. The Board asked Jim to look see how other homeowner's associations are handling this issue and report back at the next Board meeting.

### **New Business**

**Long Fence Co. repair proposal:** Jim gave the Board a proposal from Long Fence Company to repair a section of chain link fence six foot high by ninety two feet long at the basketball court. In addition, there were three sections of damaged chain link fence along the NMC property and Monroe Street. A heavier gauge fence was recommended for installation at the basketball court. After discussion, Jeff Miller made a motion that we

accept the proposal from Long Fence Co. for \$3,176. John Brown seconded the motion which passed unanimously.

**Stolburg Landscape Inc. proposal:** Jim gave the Board a three year renewal proposal from Stolburg Landscaping. There was a 1% increase for 2013 over the 2012 contract price to \$44,034 and a 2% increase for 2014 and 2015 respectively. Jim will solicit proposals from additional landscape contractors.

**NEW MARK COMMONS HOMES ASSOCIATION  
BOARD OF DIRECTORS MEETING  
THURSDAY, DECEMBER 6, 2012**

**ATTENDEES:** Margaret Chao, John Hansman, Dunja Baker, Jeff Miller, Ellen Stein, Lori Nicely, Ann Reiss, Marty Reiss, Mark Wetterhahn and Jim Denny.

Absent Board members: John Brown

**Community Forum:** Rocio Snowdy, City of Rockville's Neighborhood Resources coordinator was unable to attend the meeting.

Ann and Marty Reiss, along with Mark Wetterhahn were present to discuss the latest expansion plans they received from the Potomac Valley Nursing and Wellness Center. The proposed addition, to the existing building, has been removed from the plans at this time.

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

Upon a motion by Jeff Miller and seconded by John Hansman, the minutes of the November 2012 board meeting were unanimously approved.

**Administrators Report**

**Dues:** Jim informed the Board seven residents have not paid the second installment of the 2012 home owners' association dues. This includes four residents who have outstanding balances from prior years. One home has been foreclosed and Wells Fargo Bank now owns the property effective April 27, 2012. Jim has been in communication with the bank. They will send a check to cover the HOA dues for the period of April 27, 2012 to December 31, 2012.

**Community Clean Up:** The cleanup of the woods along the bike path held on November 3<sup>rd</sup> was a success. We received a grant for \$500 from the City of Rockville to help defer some of the expenses of the cleanup.

**Leaf Collection:** The final leaf collection for NMC was November 19<sup>th</sup> to the 23<sup>rd</sup>. A number of residents continued to rake leaves to the curb after the final collection. Jim and several Board members have asked the City for an additional pickup throughout the community. The City states they have to complete the scheduled collection in the City and then, depending in the weather, may be able to return to NMC.

**2013 proposed budget:** Jim gave the Board the proposed budget for 2013. He also included income and expenditures as of 12/31/2012 versus the 2012 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 2011 to September 2012 was two point eight percent (2.8%). Jim presented a proposed budget for 2013 that reflected a 2.8% increase. The two point eight 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 \$341,519 which is \$935 more than expected. Projected expenses are \$338, 046 which is \$2,538 under budget. The total projected under budget will be \$3,473.

The Board approved a \$4,200 bonus for Jim. After discussion, John Hansman made a motion that the Board approve the budget with the changes noted. Jeff Miller seconded the motion which passed unanimously.

### **Old Business**

**Potomac Valley Nursing and Wellness Center:** The meeting to discuss the expansion plans is scheduled for December 12<sup>th</sup> at 7:00 p.m. at the Nursing and Wellness Center.

**Jehovah' Witness Church expansion plans:** The Area Meeting to review the proposed expansion plans for the church was held at City Hall on November 7, 2012 at 7:00 p.m. There were concerns about traffic flow through the parking lots and the number of new parking spaces for the size of the addition. There was a concern expressed about automobile headlights shining into NMC residences that back up to Maryland Avenue near the church.

**Sewer blockage at 400 New Mark Esplanade:** Jim showed the Board the blueprints of the potable water, storm water and sewer connections for the townhome section of the community. While some of the blueprints were easily interpreted, it was determined that a meeting with the City of Rockville Public Works would be beneficial. Jim scheduled a meeting with Brian Plymale, Assistant Supervisor with the Public Works Department for December 13<sup>th</sup> or 14<sup>th</sup>.

**Request for removal of tree on NMC owned property:** Jim informed the Board that Mr. B. Moradi, who resides at 878 New Mark Esplanade, has agreed to the policy the Board adopted to remove a tree on the Association owned property. Jim will solicit additional proposals for the removal of the tree and present them at the January Board meeting.

**Portable On Demand (POD) storage containers:** Jim gave the Board a copy of the rules governing portable on demand storage units (PODs), other temporary storage containers and dumpsters used by the Eastgate Homes Corporation, part of the Montgomery Village community. Jim mentioned he also contacted the management

companies at Rockshire Village and the King Farm to determine if they had policies in place concerning PODs. Neither community had a policy in place concerning PODS. The Board asked Jim to draft a POD, dumpster, or temporary storage unit policy with the points being the units are temporary and that they are used only for construction, remodeling or moving related purposes and that they are not to remain in place over thirty days.

## **New Business**

**Snow Removal proposal from Sivert Enterprises:** Jim gave the Board a proposal from Sivert Enterprises for snow removal for the winter of 2012/2013. There were not any changes to the proposal from last year. After discussion, Jeff Miller made a motion that we accept the proposal from Sivert Enterprises. Ellen Stein seconded the proposal which passed unanimously.

**Reserve Study proposal:** Jim gave the Board a proposal for a replacement reserve study from Miller & Dodson Associates of Annapolis, MD. The last reserve study was performed in late 2008. After discussion, it was decided we did not need a new reserve study at this time. Jim will make a copy of the last reserve study and distribute to all the Board members before the next meeting. John Hansman volunteered to consolidate all prior reserve expenditures in a document which will make it easier for the Board to determine priority of future capital improvements or repairs. Jeff Miller also made a motion that the community should have a replacement reserve study done every ten (10) years. John Hansman seconded the motion which passed unanimously.

**Linda Silversmith emails re: NMC landscape contract:** Jim gave the Board two emails from Linda Silversmith expressing her concerns regarding grass cutting, leaf collection, soil conditioning and the mulching of trees and shrubs throughout the community. She also mentioned three contractors that may offer a more 'green' approach to landscape maintenance. After discussion, several Board members mentioned they believed that Stolburg Landscaping has improved over the years and is mulching and cutting to our satisfaction. Matt Stolburg has worked with the community on fertilizer and weed control product selection and staggering applications. Ellen Stein offered to reply to Linda for the Board. Jim mentioned he will contact the three contractors listed and determine if they would be a candidate for our community's landscape maintenance contract.

**Stolburg Landscape Inc. proposal:** Jim gave the Board a three year renewal proposal from Stolburg Landscaping. There was a 1% increase for 2013 over the 2012 contract price to \$44,034 and a 2% increase for 2014 and 2015 respectively. Jim will solicit proposals from additional landscape contractors.