

**NEW MARK COMMONS HOMES ASSOCIATION
BOARD OF DIRECTORS MEETING
Thursday, July 6, 2017
New Mark Commons Clubhouse, 7:30 p.m.**

FINAL

Attendees

Board Members: Alex Belida, Alex Manolatos, Kathleen Moran, David Schwartzman, Ellen Stein, Magnus Turesson. *Absent:* John Daroff.

Staff: Jim Denny, Administrator; Kirsten Hall taking minutes.

NMC Residents: Chris Durso, Mira Frost, Joe Rosen, Marilyn Johnson, Pat Reber, Joe Rosen, Judy Rudolph, Roger Zions.

Call to Order

Magnus Turesson called the meeting to order at 7:30 p.m. and asked David Schwartzman to conduct the meeting.

Community Forum

Volume issues at Board meetings: Mira Frost reported that she'd had difficulty hearing at the last Board meeting. Since the microphones don't capture general discussion at a Board meeting, the audience moved their seats closer to the Board members.

July 4 Celebration and 50th Anniversary activity report: Pat Reber reported that the July 4 Celebration was successful. A "Happy Birthday New Mark" banner was signed by residents and will be posted at the Clubhouse on Labor Day. On July 4, Ann Cobb shared a primitive drawing of what New Mark was imagined to look like. Residents are contributing memorabilia from their archives. Pat handed out the NMC 50th anniversary celebration invitation list for October 21.

Potential tax sale at 836 NME: Marilyn Johnson reported that her neighbor from Switzerland at 836 NME may lose her home to a tax sale, and has a neglected her yard and vehicle. Jim reported that the neighbor has contacted the Administrator and is aware of the issue and intends to pay; the Board cannot be further involved but suggested Marilyn contact her neighbor's daughter in Switzerland. David Schwartzman suggested Marilyn contact Tom Howley, supervisor of code enforcement at the City of Rockville, so the City can respond to the code violations.

Liability for fallen trees: Roger Zions asked how he can avoid liability for removal of or damages caused by a neighbor's tree that falls on his property. Maryland Law states that damage caused by a tree that falls on private property is the responsibility of the owner of the damaged property. The Association cannot legally force a resident to make changes to a tree on private property. Magnus Turesson advised sending the tree owner a certified letter warning of the tree's vulnerability. Additionally, residents can file a report with the city to have it recorded in city records.

Rotting railroad ties: Roger Zions asked about the status of the rotting railroad ties across from 800-810 NME. Jim is getting proposals for masonry replacements.

Erosion issues on Commons property near 338 NME: Mira Frost expressed concerns about a tree on common property, eroding with exposed roots, and asked if she can send a certified letter to the Board so she won't be responsible for damage caused by the erosion. David Schwartzman said the Board has heard the issue multiple times and is currently obtaining proposals to address the erosion; Jim Denny said it was fine to send the letter.

July 4 Celebration: Chris Durso said the July 4 celebration was fantastic, and there was a round of applause for Jim Denny and his coordination of the event.

Forum closed: David Schwartzman closed the community forum at 7:55 p.m.

Remaining attendees: Marilyn Johnson left the meeting. Chris Durso, Mira Frost, Pat Reber, Joe Rosen, Judy Rudolph, and Roger Zions remained.

Approve Minutes and Agenda

Betsy Burkhard's appeal will be discussed at the August meeting, by agreement with Betsy and the Board.

Agenda, July 6, 2017: Alex Manolatos moved to approve this meeting's agenda; seconded by Ellen Stein; carried unanimously.

Minutes, June 1, 2017: Alex Belida moved to approve the June 1, 2017 minutes; seconded by Magnus Turesson; carried unanimously.

Committee Reports

A. Architectural Control Committee (ACC) - Alex Belida

- a. For residents who wish to replace their cedar shake shingles, the ACC will approve new shingles stained in brown or gray. The ACC is not authorized to require homeowners to make improvements. The Community Enhancement Committee (CEC) should identify homes requiring significant repairs and ask the City to intervene.
- b. ACC approved the draft statement on the 30-day limit for ACC applications; the Board will vote on it this evening.
- c. John Hansman will draft guidance on trash enclosures.
- d. Applications: The ACC has approved several routine applications and is working with three additional homeowners whose initial applications were not approved.

B. Communications Committee (CC) - David Schwartzman: The CC met on June 8 and will meet again on July 12. On June 8 David Schwartzman was chosen as the new committee chair.

- a. *Newsletter and website:* The newsletter will be co-edited by Kirsten Hall and Judy Rudolph. Judy and Pat Reber will focus on content, and Kirsten will collect articles and maintain the production schedule. Bill Holdsworth is working on the website to develop committee pages and fill out the 50th anniversary page. The CC will be contacting committees for expanded content for the new committee pages. A Community Events page will be added to the About tab for photos of NMC events.

David knows how to edit the site and work with Wordpress so future website consultation fees may be able to be avoided.

- b. *Community Directory*: The new community directory will be available in early August with some 50th anniversary content and a new cover design.
 - c. *Broadcasts*: The CC continues to prefer to use broadcasts and the newsletter as its primary communication method, and prefers not to use NextDoor because it offers no content control.
- C. **Community Enhancement Committee (CEC)** – Magnus Turesson: David Schwartzman and Magnus Turesson met with Chuck Aubertin, a City of Rockville Housing Code Inspector from the City’s Community Enhancement and Code Enforcement staff. They walked 800 and 200 blocks looking at home exteriors and noted some homes with maintenance issues. They discussed rental units and got a clear view of what the City can help with so some enforcement tasks can be transferred to the City. A list of ways the City can address maintenance issues will be published in the July *New Mark News*. The next CEC meeting will be September 28.
- D. **Landscape Committee** – Ellen Stein: There will be no meeting in July or August Jim Denny and Ellen Stein met on June 28 to discuss the following landscape issues:
- a. *Memorial*: A former resident now residing in Washington DC requested a memorial tree or bench with a plaque. Ellen recommended trees and a nursery.
 - b. *Lake history*: The committee is gathering lake history files for City contractors, for the future dredging of the lake. Kathleen Moran will consult a City staff member for files from before 2015 (2015 and later are available on the City website). A 2011 Cabin John study showed the cost for dredging was \$421,000. The same report also noted that the City had determined that the NMC lake could not be modified for storm water management.
 - c. *Beautification and tree removal*: Jim is looking into modifying the tree stumps near the Clubhouse for use as planters. He’s also working on getting two dead trees on NME removed. Ellen Stein will clean up the azaleas near the Maryland Ave. entrance. Potomac Garden Center will offer a bid and give a 20% discount for new plantings.
- E. **Pool Committee** - Kathleen Moran: The committee didn't meet in June; all is going well. No date is set for the next meeting. There is enthusiasm for the upcoming adult pool party.
- F. **Social/50th Anniversary Committee** - Alex Manolatos: The July 4 celebration was successful. The 50th Anniversary committee met June 21 and worked on the directory cover. Margaret Chao is heading up the 50th Anniversary celebration on October 21. The October celebration invitation list needs Board approval. The cost estimate for food will be developed. Kathleen Moran noted that the City may be able to donate and deliver small entertainment items such as a moon bounce. The Anniversary pamphlet will be created and delivered door to door. More resident interviews remain to be done (about 30 of the 40 original residents have been contacted). Volunteers are needed to help with the memorabilia displays; the displays may be viewed in the Clubhouse 10:00 a.m. to 2:00 p.m. on Labor Day.
- G. **Administrator Search Committee** – Alex Belida: The committee met twice and established two email addresses: search@newmarkcommons.net, for community input, and Jobs@newmarkcommons.net, for solicitations responses. Two draft solicitations were

approved with a July 30 deadline; one for individuals and one for property management firms. Solicitations will be posted on employment websites and the NMC website home page. Four local firms have received the management solicitation. No responses have been received yet from individuals. Candidates will be reviewed in August.

Break at 8:25 p.m.

Remaining attendees at 8:33 p.m.: Roger Zions left the meeting. Chris Durso, Mira Frost, Pat Reber, Joe Rosen, and Judy Rudolph remained.

Administrator's report – Jim Denny:

Finance and Dues Update:

- a. *Unpaid dues:* 44 residents haven't paid the first installment of HOA dues. Five residents have not paid at all this year: a lien has been placed on one home, one promises a payment in the mail, and the lien process will begin for the remaining three.
 - b. *Storm Water Management Reimbursements:* Both full and partial reimbursements are being made. Jim is working on a process to locate prior owners for partial reimbursements. There is a three-year due-diligence process and then the reimbursement funds will be turned over to the state as uncollected. Residents who haven't paid their dues will receive reimbursement in the form of a credit to their account.
 - c. *Budget:* A year to date budget statement will be presented in August. There have been no unexpected expenses.
- B. **Pool update:** We have three returning lifeguards and one new lifeguard. About 100 kids are on the swim team, of which about 30 are non-residents. Guards are given cleaning and other tasks during inclement weather; the pool does not close. The lap lanes are being utilized and we have received positive comments about the guards. Pool passes can be created within 24 hours with cooperation between lifeguards and Kirsten Hall; it costs \$2 to replace passes.
- C. **Erosion Update, Mira Frost & Joe Rosen Property (338 NME):** A proposal has been received from Earthman Design Group for 338 NME, 300-314 NME, 276 NME, and 500-522 NME. The proposal is for the engineering plans that could be given to a contractor, not for the actual work to be done, for \$24,950. A proposal will be requested from Gold Leaf Group as well. No cost estimates have been given for the construction.
- D. **Replanting, 800 block:** It's been too dry to plant, so plantings haven't been chosen yet. Residents will need to help with watering when plants are in. Judy Rudolph commented that there is more die-back and damage in that area, and Stolburg continues to drive vehicles up and down the slope.
- E. **Playground Mulch:** Three proposals were received from Gold Leaf Group, Playground Specialist, and Stolburg Landscaping for refreshing the playground mulch.

Ellen Stein moved to approve the Gold Leaf proposal to remove old mulch and install new mulch for \$3720; seconded by Kathleen Moran; carried unanimously.

- F. **Parking Lot Proposal Update:** The second proposal is expected in the next two weeks. Both proposals are open to resident piggy-back work. John Daroff will be getting a third proposal.

Old Business

A. Reserve Fund Study Proposals:

- a. *Mason & Mason:* They will still honor their proposal. They will not offer a presentation to the Board; they will do one teleconference and answer questions. They can do a pre-inspection meeting for areas of special concern, but no residents or Board members may accompany the inspector. They have no engineers on staff; they feel having staff engineers creates a conflict of interest because of a potential revenue source for the engineer doing the study.
- b. *Falcon Group:* They will do a presentation at the August Board meeting to respond to fee creep issues. They couldn't give a pavement coring cost at the time of proposal but will give coring information at the presentation in August.

B. Parking Regulations Revision - David Schwartzman:

The proposed revisions are not to be voted on today. David will put them on web and publish them in the July newsletter, asking residents to voice opinions at the community forum. The proposal does the following:

- a. Defines permitted and excluded vehicles; defines an inoperable vehicle and requires proof of operational status. The Association can require proof of vehicle operational status for vehicles parked on common property.
- b. States vehicles cannot be stored in townhouse parking lots. Residents can apply to store vehicles in the Clubhouse parking lot. Some exceptions apply for military or other valid reasons.
- c. States the Association will have non-compliant vehicles towed at owner's expense.

Discussion: The Board decided to eliminate the "exception during school year" phrase for vehicles unattended while driver is in college because school can be attended any time. For the website, the proposal will be retitled "Proposed Parking Regulation Changes," and will note that full text of all parking regulations is located on the website, with a link to the full regulations. Jim Denny requested that the final regulations indicate who will administer and make judgments based on vehicle appearance, and who to contact for special exceptions. The Board agrees the regulations changes are fair has no changes otherwise.

C. Discussion of Fence Encroachment from 315 NME: Ellen Stein and Jim Denny haven't yet talked to the property owner at 315 NME. They have developed list of what to discuss with the owner:

1. The owner has placed unauthorized plantings on common property.
2. The owner needs to clear access and open the walkway behind the two neighboring townhouses.
3. The owner needs to move the fence closer to the house and remove the section around the tree that interferes with sidewalk passage. Jim and Ellen will suggest protecting the

tree with PVC material. Kathleen Moran suggested including a time frame for making the changes.

New Business

- A. **Statement from the Board and Architectural Control, clarifying the 30-day rule on ACC applications:** The statement addresses conflicting elements in the Covenants. It states if the Board fails to act on an application in 30 days, the work is approved unless the proposed work is specifically prohibited by the Covenants.

The Board suggest the first sentence of the first paragraph be amended to read, "... any proposed additions or changes to **the exterior of** a resident's home or property...."

Alex Belida moved that the Board approve the "Statement from the Board and ACC Clarifying the 30-Day Rule on ACC applications" as amended to specify proposed changes to the exterior of a resident's property; seconded by David Schwartzman, carried unanimously.

- B. **Discussion of Walking Board Meetings:** The Board discussed and noted that no more than three Board members could be present in order to comply with the Maryland Open Meetings Act. The upcoming National Night Out may be an opportunity to listen for resident input. It was determined that issues cannot be resolved outside of a Board meeting but such an event could be an opportunity for community input.

Alex Belida left the meeting temporarily at 9:50 p.m.

- C. **Discussion of Trash in Spillway at Monroe and Cabin John:** Magnus Turesson removed dumped shopping carts from the spillway and took them to Giant. The area needs to remain open for water/sewer/storm water access so will require more frequent monitoring and improved visibility.
- D. **Delegation of Rooftop Solar Panels to Administrator and ACC Chair:** Alex Manolatos moved that the Board of Directors permit the Architectural Control Committee (ACC) to delegate to the ACC Chair and the Administrator, together, the authority to approve applications; seconded by Magnus Turesson; carried unanimously with Alex Belida abstaining.

Alex Belida rejoined the meeting at 9:55 p.m.

Adjournment

Ellen Stein moved to adjourn; seconded by Kathleen Moran; carried unanimously. Meeting adjourned at 9:57 p.m.