

**Fountain Hills Community Association  
Board of Directors Meeting  
August 2, 2012**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Center on Thursday, August 2, 2012 at 7:30 p.m.

**Board Members Present:**

Phil Suter, President  
Nicolm Mahabir, Vice President  
Frank Walsh, Secretary  
Tom Brennan, Director  
Siu Poon, Director

**Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Members Absent:**

Sue Adamkiewicz, Director  
Danial Magid, Treasurer

**Homeowners Present:**

Harry Matchet, 13220 Lake Geneva Way  
Vernard McBeth, 13108 Lake Geneva Way  
David Holtzman, 18715 Sparkling Water Drive, Unit 102  
Steven Muse, 18804 Porterfield Way

**A. CALL TO ORDER**

The August Board of Directors Meeting was called to order by Phil Suter at 7:33 p.m.

**B. MINUTES**

1. July 5, 2012 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Approve the July 5, 2012 Board of Directors Meeting Minutes as edited.

**Vote:** Motion Passed - Unanimous

**C. REPORTS OF OFFICERS AND DIRECTORS**

1. Asphalt Repair

Tom Brennan reported that he had evaluated the asphalt work on Mediterranean Drive and Lake Geneva Way. He reported there are a number of potholes that are notable in size. He also noted that the quality of the work is less than acceptable. Mr. Brennan sent an email to the rest of the Board requesting that the work be stopped and reevaluated. Phil Suter and Nicolm Mahbair also evaluated the areas.

Management received two (2) proposals from O'Leary Asphalt: one (1) for

milling and asphalt overlay for Lake Geneva Way for \$29,500.00 and a second (2<sup>nd</sup>) for milling and asphalt overlay for swatch cuts of the affected areas for \$17,945.00. The Board noted that several parking spaces were still in good condition and did not need to be resurfaced.

**MOTION:** (Phil Suter/Tom Brennan) Accept the proposal from O’Leary Asphalt for swatch cut to repair pot holes for \$17,945.00 on Lake Geneva Way.

**Vote:** Motion Passed - Unanimous

This work is a reserve expense for the townhomes.

Mr. Brennan also noted that the seal coating work was not done well.

Management stated that O’Leary Asphalt will be in the community on Monday to redo the seal coating.

## 2. Resident Comments

Phil Suter reported on the resident comments that had been received through emails.

*a.* A request was received to edit the Board of Director Minutes from June 2012.

*b.* A homeowner requested that a notice be put in the newsletter requesting that residents with garage townhouses leave the visitor spaces open for guests on weekends.

*c.* The Board stated that the spaces are on a first come, first served basis, but a reminder could be put in the newsletter to be courteous with the use of these spaces.

*d.* A homeowner had reported that a car had been parked on Rushing Water Way for over thirty (30) days. Management stated that a tow notice had been placed on the vehicle.

*e.* A homeowner reported that their house had been vandalized by eggs. The Board reported that this matter should be sent to the Police.

## 3. Officer and Director Comments

It was noted that some of the flood lights in the single family home section are out. Management will check on this matter.

It was noted that there are numerous weeds in the common area grass. Management stated that ValleyCrest had been contacted, and they had been in the community to spray the weeds. It was also noted that the landscaping beds have numerous weeds and these should be removed.

It was noted that a homeowner had mentioned being threatened by another homeowner while walking a dog. The homeowner was told to call the police on this matter.

It was noted that the area along Champions Way by the pool and tennis courts is full of dog feces, but the area belongs to the County. The Board requested that Management contact the County concerning this issue. The Board also agreed to draft an article for the website that this area belongs to the County and homeowners should clean

up after their pets.

#### **D. COMMITTEE REPORTS**

##### **1. Pool Committee**

It was reported that a minor incident occurred at the pool of a non-resident wanting to use the pool and attempted to get passes. The Police were called to remove the individual from the pool.

Management reported that two (2) of the three (3) water fountains at the pool are working. The part needed to fix the third (3<sup>rd</sup>) drinking fountain is still on order.

The Pool Committee received a request for adults only to swim laps from 8:00 p.m. to 9:00 p.m. some evening before the end of the pool season.

**MOTION:** (Phil Suter/Tom Brennan) Allow Friday, August 24<sup>th</sup> for an adult only swim for lap lanes and leave diving well and wade-in pool for kids.

**Vote:** Motion Passed - Unanimous

##### **2. Social Committee**

The Community Picnic will be held on September 22<sup>nd</sup> from noon to 4:00 p.m. Siu Poon stated that meetings of the Social Committee will be held on August 23<sup>rd</sup> and September 13<sup>th</sup> to organize the event. The Social Committee is requesting a budget of \$1,500.00 for this picnic.

**MOTION:** (Siu Poon/Phil Suter) Set aside a budget of \$1,500.00 for Community Picnic on September 22<sup>nd</sup>.

**Vote:** Motion Passed - Unanimous

#### **E. HOMEOWNERS OPEN FORUM**

1. David Holtzman, 18715 Sparkling Water Drive, Unit 102, thanked the Board for the good job this year.

Mr. Holtzman thanked the Board for disbanding the Enforcement Committee as it was ineffective and he offered to develop a new system for violation enforcement.

Mr. Holtzman informed the Board about the Service Workers Bill, which will impact HOAs and Condominium Associations. This bill would require that when a new contractor is hired, the workers from the previous contractor must continue in their positions for ninety (90) days. Mr. Holtzman stated that this could lead to increased costs for communities and disgruntled workers. Mr. Holtzman requested that Board members send a letter to their Councilman against this bill.

2. Steven Muse, 18804 Porterfield Way, stated that the Enforcement Committee has not been disbanded. There are currently still two (2) people on the committee with Danial Magid as acting Chair and a vacant position.

3. Vernard McBeth inquired when the grassy area by his home will be repaired following the work by the concrete contractor. It was noted that the contractor will reseed the grassy areas that were not done in the fall.

4. Frank Walsh noted that the lights on the main fountain are often on twelve to twenty-four (12 - 14) hours a day. Management will check the timers as they often need to be reset after a power outage.

5. Frank Walsh noted that the Condominium will be replacing roofs on the Condominiums and the traffic in the area of 13431 Fountain Club Drive may be inconvenienced while this work is done.

## **F. MANAGEMENT REPORT**

### **1. Request to Revise the June 2012 Minutes**

The Board received a request from Steven Muse to revise the June 2012 Minutes to reflect his suggested wording for the items referring to the pool pass application involving Mr. Muse.

Management reminded the Board that the June 2012 minutes cannot be corrected after they are approved. A state of correction can be included in the current minutes.

The Board discussed with Mr. Muse the corrections that he requested. The Board agreed to let the approved June 2012 minutes read as approved and this matter will be tabled indefinitely.

Mr. Muse also requested an un-edited hard copy of the minutes that includes the motion concerning the email vote to deny the request by Mr. Muse for an exception for a completed and signed pool pass application and indemnification. Management stated that the requested information can be provided to Mr. Muse at the Vanguard office.

### **2. Reconsideration of “Dis-banding” the Enforcement Committee**

Vernard McBeth stated his confusion to the letter sent to him from Management regarding his participation on the Enforcement Committee, and the letter did not state a reason for the change in the Enforcement Committee. Mr. McBeth understood that the Enforcement Committee had not been “dis-banded”, but that the Enforcement Committee still existed with Danial Magid as acting Chair and a vacant position.

The Board stated that Mr. McBeth can appeal to the Board the decision concerning the Enforcement Committee.

### **3. Replacement of Pool Chlorinator**

Management received a proposal from RSV Pools for replacement of the chlorinator for the wading pool. RSV Pools noted that the chlorinator is having a

Fountain Hills Community Association  
Board of Directors Meeting  
August 2, 2012

difficult time pumping the chlorine into the pool and could fail at any time. This is the first time that this chlorinator has been replaced. The cost of the chlorinator is \$715.00.  
**MOTION:** (Phil Suter/Siu Poon) Replace the chlorinator in the wading pool for a cost of \$715.00.

**Vote:** Motion Passed - Unanimous

4. Request for Pooch in the Pool

Management received a request from Steven Muse for the Board to approve the 3<sup>rd</sup> Annual Pooch in the Pool event scheduled for September 9, 2012 from 8:00 a.m. - 1:00 p.m. The requested budget includes salary for the a life guard for 5 hours (\$50.00 - \$60.00) and \$50.00 for five (5) \$10.00 gift bags for door prizes. All proceeds collected from the entry fee of \$5.00 will be donated to the Montgomery County Humane Society. A representative of the Humane Society will be asked to come to the pool to collect the donations.

**MOTION:** (Phil Suter/Tom Brennan) Approve the 3<sup>rd</sup> Annual Pooch in the Pool event as requested by Mr. Muse and approve a budget not to exceed \$120.00.

**Vote:** Motion Passed - 4 ayes/1 nay (Walsh)/0 abstentions

5. Speed Control Devices

Management checked with O'Leary Asphalt and they agreed to hold the pricing that was provided earlier in the year for ten (10) additional stop signs with posts (including installation), twenty-nine (29) stop lines, and replacement of one worn speed hump for a total of \$3,850.00.

**MOTION:** (Phil Suter/Siu Poon) Approve the proposal from O'Leary Asphalt to replace the existing speed hump for \$1,150.00 and install ten (10) additional stop signs and paint twenty-nine (29) stop lines for \$2,700.00.

**Vote:** Motion Passed - 4 ayes/0 nays/1 abstention (Brennan)

6. Maryland Pit Bull Law Update

Management reported that the vote for the MD Pit Bull Law is scheduled to be held on August 9<sup>th</sup>. The vote was held pending the findings of the Task Force, which convened on June 19<sup>th</sup> and June 26<sup>th</sup>. The Association's attorney recommended that any decision concerning this law wait until the final decision has been made.

7. Proposal to Cut Back Wooded Area Behind Lake Geneva Way

On a previous walk through of the Community with Management, ValleyCrest, and Nicolm Mahabir, it was requested that ValleyCrest submit a proposal to clean-up the wooded area behind Lake Geneva Way and move the area ten (10) feet back from the turf. The cost of the proposal is \$6,788.57.

Mr. Mahabir stated that he considered the cost of this proposal too high and suggested that Management look for another contractor who would clean up this area for a more reasonable cost. Management suggested Lee Tree Service.

8. Request for Payment Plan for 18707 Sparkling Water Drive, Unit 203

Management received a request from the homeowner of 18707 Sparkling Water Drive, Unit 203 for a payment plan of \$500.00 per month. The \$500.00 includes \$41.91 towards the monthly assessment and \$458.09 toward the arrears.

**MOTION:** (Phil Suter/Tom Brennan) Accept the payment plan of \$500.00 a month for 18707 Sparkling Water Drive, Unit 203, with payments to be received by the end of the month, with the first payment by the end of August.

**Amend:** (Phil Suter/Tom Brennan) If the homeowner defaults on the payment plan, the collection process will start again.

**Vote:** Motion Passed - Unanimous

9. Hearing for 13510 Rising Sun Lane

The Hearing was called to order at 9:08 p.m. The homeowner of 13510 Rising Sun Lane was requested to attend a Hearing on August 2, 2012. The homeowner did not attend the Hearing. The Board agreed to move forward with the CCOC complaint. The Hearing closed at 9:09 p.m.

**MOTION:** (Phil Suter/Siu Poon) File a case with the CCOC for 13510 Rising Sun Lane.

**Vote:** Motion Passed - Unanimous

**G. NEW BUSINESS**

1. Possible CCOC Complaint

Management stated that Steven Muse may be filing a CCOC case against the Board. Management stated that nothing needs to be done at this time until an official notice is received with a case number. At that time the process will start to resolve the matter.

2. Email Communication

The Board requested that Management sent out a letter to Steven Muse and Vernard McBeth to use only the Board of Directors email and not personal emails.

**H. ADJOURNMENT**

**MOTION:** (Siu Poon/Phil Suter) Adjourn the Board of Directors Meeting at 9:23 p.m.

**Vote:** Motion Passed - Unanimous