

**Fountain Hills Community Association
Board of Directors Meeting
December 2, 2010**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, December 2, 2010 at 7:30 p.m.

Board Members Present:

Shirley Fair
Nicolm Mahabir (arr. 7:53p.m.)
Vernard McBeth
Daryl McFadden
Steven Muse
Phil Suter
Frank Walsh (arr. 7:40p.m.)

Also Present:

Stephon Collins, Community Manager
Craig Wilson, Vanguard Management
Ruth Ann Allen, Recording Secretary

Homeowners Present:

Maggie Suter, 13384 Rushing Water Way, ARC Chair
Siu Poon, 19020 Noble Oak Drive
Marco Mazzarino, 18721 Autumn Mist Drive

A. CALL TO ORDER

The December Board of Directors Meeting was called to order by Vernard McBeth at 7:35 p.m.

B. MINUTES

MOTION: (Vernard McBeth/Steven Muse) Defer the approval of the November 4, 2010 Board Meeting Minutes until Frank Walsh is present:

Vote: Motion Passed - 5 ayes

C. MANAGEMENT REPORT

1. Appointment of ARC Member

Marco Mazzarino, 18721 Autumn Mist Drive, is requesting to serve on the Architectural Review Committee (ARC).

MOTION: (Vernard McBeth/Steven Muse) Accept Marco Mazzarino as a member of the Architectural Review Committee.

Vote: Motion Passed - 5 ayes.

2. Pet Waste Stations

Vernard McBeth suggested that the Fountain Hills HOA purchase pet waste stations, instead of leasing them from Doody Calls, and then use Doody Calls to service them. Mr. McBeth suggested installing the pet waste stations on Lake Geneva Way, in

an area by the pool and near the single-family homes. Siu Poon inquired why those areas were suggested. Mr. McBeth stated that these three (3) areas seem to be most used by dog owners. Other areas can be considered for waste stations, if necessary.

Management suggested that the pet waste stations not be put close to the park areas as they will also be used by those who visit the parks. Management also inquired if the Board would consider leasing the waste stations as then they would be replaced if damaged.

Mr. McBeth suggested that the association spend no more than \$2,000.00 a year to service the waste stations. Mr. McBeth suggested that they be serviced once a week in the summer and every other week in the winter. Phil Suter questioned whether once a week in the summer would be enough.

Management stated that the cost to service six (6) pet waste stations would be about \$3,000.00 a year. Mr. McBeth stated that this would make the cost of servicing three (3) waste stations below the \$2,000.00. Frank Walsh stated that he didn't think three (3) waste stations sounded like enough for the community. Mr. Muse stated that more could be added later, if necessary. Management also stated that the waste stations can be moved.

Vernard McBeth suggested that the Board consider the costs of the waste stations and the discussion can be brought up again under Old Business.

3. November 2, 2010 Board Meeting Minutes

Frank Walsh requested that the minutes of the November 2, 2010 Board Meeting be tabled until the next meeting as the Director positions had not been determined and he was not certain if he was still the secretary

MOTION: (Frank Walsh/Vernard McBeth) Table the approval of the November 2, 2010 Board Meeting Minutes until the January Board Meeting.

Vote: Motion Passed - Unanimous

4. Pool Management Contract Extension

Management received the Addendum from RSV Pools for the upcoming 2011 Pool Season in the amount of \$67,999.00. This is a one and a half percent (1.5%) increase over the 2010 season cost. Also included is the Addendum for the 2012 pool season in the amount of \$69,019.00, a one and a half percent (1.5%) increase over the 2011 season.

Vernard McBeth inquired why the pool costs were going up 1.5 % when there is a recession. He suggested that Management ask Mr. Vincent, President RSV Pools, if he would consider a one percent (1.0 %) increase.

Phil Suter inquired if the Board had been satisfied with the job that RSV Pools performed at the pool. Steven Muse and Vernard McBeth stated that they were satisfied with the job that RSV Pools did at the pools. Frank Walsh stated that he didn't think that RSV Pools did a good job with the fountains. Mr. Walsh also questioned whether the

fountains had been winterized. Management stated that some water was left in the main fountain to check for leakage. The inside of the bowl of the fountain will be seal coated next Spring.

Steven Muse suggested that Management go back to RSV Pools and state that Fountain Hills was satisfied with the management of the pool, but there are concerns over the fountain maintenance and offer a zero percent (0%) increase. Phil Suter agreed that the Board request a zero percent (0%) increase in the pool contract.

MOTION: (Vernard McBeth/Steven Muse) Offer RSV Pools a zero percent (0%) increase for the 2011 Addendum to the pool contract, and will consider the 2012 Addendum to the contract at a later time.

Vote: Motion Passed - 7 ayes

5. Fountain Maintenance Contract Extension

RSV Pools provided Management with the addendums to the fountain maintenance contract for the upcoming 2011 and 2012 seasons. There will not be an increase in the pricing for 2011 and 2012. The current contract price is \$7,455.00.

MOTION: (Vernard McBeth/Steven Muse) Accept the contract for the fountain maintenance at no increase for two (2) years.

Vote: Motion Passed - 7 ayes.

6. Replacement of Exit Lights at the Swimming Pool with LED Lights

Management received a proposal from Montgomery Lighting Service to replace all the exit lights at the swimming pool with energy efficient LED lights. The cost of this replacement is \$858.91.

MOTION: (Vernard McBeth/Phil Suter) Have Montgomery Lighting Service replace the exit lights at the swimming pool with energy efficient LED lights.

Vote: Motion Passed - 7 ayes

7. Additional Street Light at the End of Rising Sun Lane

A homeowner on Rising Sun Lane had requested that an additional street light be installed at the end of Rising Sun Lane as the area was very dark. Montgomery Lighting Services quoted a cost of \$2,366.51 to install a new light in this location and the cost would be a townhouse expense.

Steven Muse noted that in this area of Rising Sun Lane the residents do not keep their exterior lights on, so the area is very dark compared to areas where the exterior lights are kept on. Phil Suter stated that the homeowner should be proactive and if the Board was to consider this request, the Board should ask if other neighbors want the additional street light.

Vernard McBeth suggested that the homeowner on Rising Sun Lane could install a motion sensor flood light on the side of the house to light up the area.

MOTION: (Vernard McBeth/Steven Muse) Deny the request for street light.

The motion was rescinded.

The Board requested that Management write a letter to the homeowner on Rising Sun Lane to encourage other residents on the street to leave their porch lights on and to install a flood light with motion sensor on the townhouse. Also, explain to the homeowner that the matter can be reassessed at a later time, if these preventative measures are not sufficient.

8. Storm Water Management Pond Maintenance

Management received an inspection report from the Montgomery County Department of Environmental Protection concerning a number of storm water management ponds throughout the community. There are currently nineteen (19) ponds in the community. Six (6) of these facilities have been turned over to the county for maintenance. Once the maintenance has been completed on the remaining thirteen (13) facilities, the Association may initiate the transfer of the maintenance over to the county.

All work required by the County at this time is above ground, but must be performed by a company certified by the County to perform this work. Management sent four (4) RFPs and has received two (2) responses. The proposal from AAA Storm Water Management costs \$54,555.00 and the proposal from AW Landscapes costs \$20,640.00. This expense would be from the Association's reserves.

Management stated that this type of maintenance will need to be performed every two (2) to three (3) years. If the maintenance becomes a structural issue the cost could run into the hundreds of thousands of dollars.

Vernard McBeth inquired if Management would check AW Landscapes work for any deficiencies. Management stated that they would check to make sure the work was completed correctly.

MOTION: (Vernard McBeth/Daryl McFadden) Accept the proposal from AW Landscapes at a cost of \$20,640.00 for storm water management pond maintenance.

Vote: Motion Passed - 6 ayes/1 abstention (Suter)

9. Trash Removal Contract

Management received an unsolicited bid from a trash removal company located in Washington DC. The proposal came in below the current cost that Fountain Hills is paying for trash collection, but it does not include all the trash enclosures along with Saturday pick up. Management stated that did not believe that this trash company is licensed in Montgomery County, therefore, no action is needed.

10. Write Off as Bad Debt

The following homes were foreclosed upon by the mortgage holder and transferred to new owners: 18601 Village Fountain Drive, 18713 Little Star Lane, and 13222 Lake Geneva Way. All amounts due from the mortgage companies and new

homeowners have been paid in full. The amounts to be written off are from the previous

homeowners and are the pre-foreclosure amounts.

Management stated that the Association does not want to spend more money trying collect monies that can probably not be collected.

MOTION: (Vernard McBeth/Shirley Fair) Write off as bad debt 18601 Village Fountain Drive for \$1,947.00, 18713 Little Star Lane for \$2,176.90, and 13222 Lake Geneva Way for 1,738.87, as these houses have been foreclosed and there is no good chance to collect the monies.

Vote: Motion Passed - 7 ayes

11. Request for Waiver at 18759 Harmony Woods Lane

The homeowner is requesting a waiver of \$35.00 for a return check charge. Frank Walsh stated that this cost is a hard cost for the Association.

Vernard McBeth noted that although this has been the only request for a waiver of a return check charge since the banking change, there may be a larger problem that hasn't yet been seen.

MOTION: (Vernard McBeth) Reimburse the homeowner at 13759 Harmony Woods Lane the \$35.00 for returned check fee.

Motion died as there was no second.

MOTION: (Frank Walsh/Phil Suter) Deny the request from 13759 Harmony Woods Lane for the \$35.00 returned check fee.

Vote: Motion Passed - 4 ayes/1 nay (McBeth)/2 abstentions (McFadden, Muse)

12. Parking on Harmony Woods Lane

Management has received a few complaints from residents on Harmony Woods Lane concerning residents from the Towns of Chestnut Oaks community parking in the unnumbered spaces of Harmony Woods Lane, and not leaving room for residents and their guests to park. Management sent a notice to the Towns of Chestnut Oaks community asking that their overflow parking be directed to Mateny Road.

Management stated that the only solution would be to consider implementing the parking tag concept that is used on Lake Geneva Way, where each home is issued one (1) hang tag for guest use. Signs would then need to be modified/changed to add that cars may be towed without a hang tag. Before this matter is decided, Management suggested that it might be prudent to solicit feedback from all the homeowners on this street.

Vernard McBeth stated that the residents of the Towns of Chestnut Oaks should have stickers for their vehicles so it is easier to determine which vehicles should be towed from Harmony Woods Lane. Management stated that another community cannot be forced to implement a parking policy for another community.

Phil Suter suggested that the residents on Harmony Woods Lane be asked if they are interested in hang tags. Vernard McBeth stated that hang tags are not a permanent

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The Board agreed to invite the residents of Harmony Woods Lane to come to the January Board Meeting, to discuss this issue. Management will send out notices to residents and place this topic on the agenda.

D. HOMEOWNERS OPEN FORUM

1. Marco Mazzarino, 18721 Autumn Mist Drive, inquired if there was a refrigerator at the pool to store lunches and/or medicines. Management stated that there is a refrigerator for the use of the life guards. Daryl McFadden stated that there could be issues with the Department of Health having a refrigerator at the pool for the use of patrons. Most patrons of the pool bring their own cooler. Management stated that none of the pools they manage have refrigerators for the patrons.

Mr. Mazzarino stated that putting in Wi-Fi at the pool is a great idea.

Mr. Mazzarino also noted that there are very few trees between the curb and the sidewalk in his area of the neighborhood. He suggested it would be nice to have some trees planted there. Management will check on this matter.

Mr. Mazzarino also suggested the use of Yahoo groups for increasing the communication between residents of Fountain Hills. Vernard McBeth stated that there should be a group function that could be used with the web site. Mr. Mcbeth stated that this is definitely an issue that the Board will be looking at this year.

Nicolm Mahabir stated that he was willing to put together an ad hoc committee of himself, Phil Suter, Brandon Dart, and Rick Morris to discuss the web site and other options for electronic communications for the community. Mr. Mahabir stated that this committee would have a report for the Board by the next Board meeting.

Steven Muse noted that he liked the idea of a Yahoo group as it would be an easy way to get information out to the community, i.e. that a burglary occurred on Porterfield Way before Thanksgiving.

2. Phil Suter, 13384 Rushing Water Way, noted that he received a complaint from a resident about uneven sidewalks in the community. Management stated that the areas of uneven sidewalks have been noted, but it is currently too cold to do concrete work.

E. UNFINISHED BUSINESS

1. Vernard McBeth stated that the previous Board has wasted an incredible amount of time with the tom-foolery on the Board. Mr. McBeth stated he is not interested or inclined to have the Board continue to waste time on foolishness. All officers of the Board should do their job as an officer, become familiar with the by-laws of the community and follow Robert's Rules of Order.

Mr. McBeth also mentioned what he thought were the proper protocols for Board

members' emails to Management. Mr. McBeth stated that Management does not need to

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be included on copies of emails when the email is for Board-only business. Frank Walsh stated that any business discussed by the Board that pertains to Management should be copied to Management. Mr. McBeth reiterated that emails between Board members where Management was not included should not be sent to Management. Management is included on emails when their advice is necessary or needed. Frank Walsh reiterated that discussion should be done in an open meeting, not through email.

F. SLATE OF OFFICERS FOR BOARD OF DIRECTORS

Nicolm Mahabir stated that he is not interested in holding an officer position on the Board this year.

Vernard McBeth asked Phil Suter if he was willing to take the President position on the Board. Mr. Suter stated that he would be willing as long as Mr. McBeth would help with the running of Board meetings until Mr. Suter has learned the ropes.

MOTION: (Vernard McBeth/Steven Muse) Accept the slate of officers as presented:

Phil Suter, President
Vernard McBeth, Vice President
Daryl McFadden, Treasurer
Frank Walsh, Secretary

Vote: Motion Passed - Unanimous

G. NEW BUSINESS

1. Towing Company

Nicolm Mahabir stated that G&G Towing is not doing a good job in his neighborhood. He stated that G&G Towing seems to be giving preferential treatment to two (2) residents. Management stated that G& G Towing will attend the January Board Meeting.

H. ADJOURNMENT

MOTION: (Vernard McBeth/Daryl McFadden) Adjourn the Board Meeting at 9:25 p.m.

Vote: Motion Passed - Unanimous