

**Fountain Hills Community Association
Board of Directors Meeting
February 4, 2010**

The Board of Directors of the Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, February 4, 2010 at 7:30 p.m.

Board Members Present:

Nicolm Mahabir, President
Vernard McBeth, Vice President
Daryl McFadden, Treasurer
Frank Walsh, Secretary
Brandon Dart, Director
David Holtzman, Director
Steven Muse, Director

Also Present:

Stephon Collins, Community Manager
Craig Wilson, Vanguard Management
Ruth Ann Allen, Recording Secretary
Officer Marcus Dixon, MC Police
Lt. John McClosky, MC Police

Homeowners Present:

Sue Adamkiewicz, 13322 Rising Sun Lane
Clay and Lauren Vaughan, 18905 Porterfield Way
John and Gail Dickenson, 18902 Porterfield Way
Mrs. Nick Mahabir, 19009 Mediterranean Drive

A. CALL TO ORDER

The February Board of Directors Meeting was called to order by Nicolm Mahabir at 7:30 p.m.

B. GUEST SPEAKERS FROM THE MONTGOMERY COUNTY POLICE

Officer Marcus Dixon and Lieutenant John McClosky were present from the Montgomery County Police Department to talk to Board members and homeowners about safety in the Fountain Hills community as homeowners were concerned following the report of a home invasion that occurred in the neighborhood a few weeks ago.

The police stated that statistics show that the number of crimes in the area have not increased radically over the last few years. It was mentioned by Daryl McFadden that he suspected that many crimes do not get reported.

Daryl McFadden inquired concerning the prevalence of gangs in the area. Officer Dixon replied that the police are aware of gangs, but most of the time, they head to Lake Forest Mall or Frederick. The graffiti in this area is intended to mark territories. Officer Dixon stated that any time kids hang out together there can be problems.

Officer Dixon stated that people don't call the police because they don't want to bother them, they don't think the police can do anything, or they are embarrassed. People should report crimes or anything suspicious. Often times, the police can connect

incidences together to help solve the crime. Officer Dixon strongly recommended that when calling the dispatcher that the caller leave a phone number and request to be notified with any information.

Theft from automobiles is the number one (#1) crime in Montgomery County. It is called “window shopping”. If an item can be seen in the car, it can be taken after finding the car door unlocked or breaking a window. Valuables should not be left in vehicles.

Officer Dixon stated, that as a community, homeowners should observe the area when they are walking or driving, notice kids that are hanging around, make eye contact and look at people, and meet your neighbors. Leaving outside lights on is also a deterrent.

Neighborhood Watch is a hard program to implement. It requires nine (9) hours of training plus sixty percent (60%) neighborhood participation. Homeowners can be proactive by having neighborhood awareness.

The police suggested that a community listserv be put into place so contact can be made with all homeowners concerning incidents or concerns. The Board mentioned that they are working on putting together a homeowner email list.

Vernard McBeth questioned if there is much crime at the Germantown Transit Center. The police monitor the transit center. Some crimes can happen between shifts, but the police know that if a group of kids are hanging around after several buses have come and gone, that these kids should be monitored.

The police stated that homeowners need to know what they are looking at and how to articulate it. People should notice if someone is peering in windows, if there are groups of kids hanging around, especially after 10:00 p.m., or if they observe any strange activities. People should be able to describe what happened and provide a description of people involved.

Clay Vaughan, 18905 Porterfield Way, inquired as to who was responsible for the street lights in Fountain Hills. These lights belong to the County or to the community.

The police would find it effective to have one (1) person to contact at Fountain Hills. Nicolm Mahabir will work on this matter.

C. MINUTES

1. December 3, 2009 Board of Directors Meeting Minutes

MOTION: (David Holtzman/Brandon Dart) Accept the minutes of the December 3, 2009 Board of Directors Meeting as amended by Frank Walsh.

Vote: Motion Passed - unanimous

2. January 7, 2010 Board of Directors Meeting Minutes

MOTION: (David Holtzman/Brandon Dart) Accept the January 7, 2010 Board of Directors Meeting Minutes as amended by Frank Walsh.

Vote: Motion Passed - Unanimous

D. MANAGEMENT REPORT

1. Request for Reimbursement From Fountain Hills Condominium

The Fountain Hills Condominium is requesting reimbursement for seal coating work that was performed on the parking area adjacent to the swimming pool. The request for reimbursement is \$2,439.29.

MOTION: (David Holtzman/Brandon Dart) Reimburse the Fountain Hills Condominium the \$2,439.29 for repair to the parking lot next to the swimming pool.

Steven Muse requested that the decision on this matter be postponed until more information can be obtained on the repairs. Mr. Muse questioned whether the repairs were structural or cosmetic, whether the problem has been solved, how many bids were obtained, and what were the costs. Mr. Muse also mentioned that this parking lot is part of the Fountain Hills community which consists of single family homes, town homes and condominiums, therefore, all three areas should share in the cost of the repairs. Mr. Holtzman replied that the matter has been discussed at previous Board meetings and the answers are written in the minutes.

Stephon Collins stated that a civil engineer from CP&J looked at the parking lot and could not determine if the damage was caused by water, but the Condominium has had a history of water flowing from the pool across the parking lot.

Mr. Holtzman stated that several bids had been obtained for the repair, and the Condominium chose the lowest one and the repair was a conservative approach. The parking lot needed to be repaired before winter so that the damage did not become worse due to the freezing and thawing cycles.

Frank Walsh stated that water runoff from the backwash at the pool has been documented for ten (10) years. In addition, he pointed out that this parking lot is not part of the Fountain Hills Community, it is owned by the Condominium. He also pointed out that the consultant, hired by Management, said the damage to the Condominium property was caused by the continued run off from the pool.

Vernard McBeth requested that the motion to be withdrawn.

Nicolm Mahabir suggested that more information be provided to the Board on the repairs and this issue could be discussed again at a later time.

Mr. Muse suggested that the cost for the repairs be split 50/50 between the HOA and the Condominium.

David Holtzman stated the Condominium Board has offered to work with the HOA to work on the problems with the pool. The matter of the pool draining onto the Condominium property was brought before the HOA Board to try to resolve this matter in a neighborly fashion.

Vote: Motion Defeated - 3 ayes/4 nays (Mahabir, McBeth, Muse, McFadden)

Management stated that this matter can be revisited again even though the motion was defeated. Nicolm Mahabir stated that this matter can be reconsidered at the next Board meeting.

2. Lawn Maintenance Contract

Management reminded the Board that they had requested additional time to review the proposal, and they had elected not to conduct interviews.

MOTION: (Vernard McBeth/Steven Muse) Accept the proposal from McFall and Berry for grounds maintenance and snow removal for the next fiscal year, remaining with Dunlevy for the rest of the 2009/1020 winter season.

Frank Walsh mentioned that the HOA would spend more money in snow removal through McFall and Berry. Craig Wilson mentioned that most grounds maintenance contractors will not do snow removal unless they also have the lawn maintenance contract. Mr. Wilson also mentioned that McFall and Berry offered another community a zero percent (0%) increase for 2011 and a two percent (2%) increase for 2012. Mr. Wilson thought that option would be available for Fountain Hills also.

Motion Withdrawn - (Vernard McBeth/Steven Muse)

MOTION: (Daryl McFadden/Steven Muse) Award the grounds maintenance (not including snow removal) contract to McFall and Berry for \$110,553.00 for fiscal year 2010 contingent upon no increase for 2011 and a two percent (2%) increase for the following year, 2012.

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

3. Unresolved Invoice from Winkler Pools

Management reported that a lengthy meeting was held with Winkler Pools on January 8, 2010. Management stated that they were able to determine that the items listed on the invoices as verbal approvals were in fact provided, and the Association did receive benefits for those repairs.

Frank Walsh questioned if the opening inspection of the pool identified some of these items. Management reported that they were not identified.

Winkler is willing to give credit of \$850.00 as the fountains did not operate during the entire season.

Management also stated that thirty-nine (39) of the missing pool passes were accounted for. Thirty-six (36) pool passes were missing and therefore a credit of \$180.00 would be applied.

MOTION: (Vernard McBeth/Steven Muse) Offer Winkler Pool \$5,000.00 to cover all outstanding invoices and debts.

David Holtzman inquired if Fountain Hills received the value of \$5900.00 worth of service. Mr. Holtzman also inquired how long the Board was prepared to quibble over the price with Winkler Pools. Both Vernard McBeth and Steven Muse stated that there would be no time limit.

Motion withdrawn (Vernard McBeth/Steven Muse)

Management also stated that the only way to determine if the pool was properly

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there is any damages.

MOTION: (David Holtzman/Brandon Dart) Table the payment to Winkler Pools until the Spring inspection of the pool to determine if the winterization was done properly.

Vote: Motion Passed - Unanimous

E. HOMEOWNERS FORUM

Clay and Lauren Vaughan, 18905 Porterfield Way, inquired as to the lighting on their street. They stated that they had mentioned how dark it was back in October. Craig Wilson mentioned that the street is a County street and the bulbs have been changed to a less bright light. The Board suggested that the homeowners email Councilman Mike Knapp with their concerns.

John and Gail Dickenson inquired whether a community email could be implemented. The Board mentioned that this is something they are looking into.

David Holtzman mentioned that the Condominium owners have a better chance of getting to know their neighbors as there is more foot traffic and many are long-term residents. The biggest problems that the Condominium have happen between 2 a.m. and 6 a.m. The Condominium has not felt the need for a Neighborhood Watch.

Vernard McBeth mentioned the difficulty in the single family homes of getting to know all your neighbors. It was suggested that an outside meeting be held so homeowners would come just to discuss safety issues in the community. Steven Muse mentioned that he had hoped more people would come to this Board Meeting as the Montgomery County Police Department was here.

Mr. Muse mentioned that safety for the neighborhood can be based on neighborhood awareness. Homeowners need to remember to lock their doors to their car and house, take valuables out of the car, and leave the outside lights on or use motion sensors. Security systems are also an option. Homeowners should walk their dogs at night in a group.

Mr. Muse also mentioned the CSAFE (Collaborative Supervision and Focused Enforcement) program that is held once a month where community issues are addressed with a problem solving approach.

The Dickensons mentioned that they have been looking at a group rate for installing security systems in their neighborhood. They are upset that many times cars are left unlocked. They also inquired if signs could be put in the common area that this is a safe neighborhood. Craig Wilson stated that signs should not be put up without consulting legal counsel. Often times the signs give homeowners a false sense of security, and if something happens, the community could be sued.

F. MANAGEMENT REPORT (contd.)

4. Pool Management Contract

Management provided the Board with a proposal from Millennium Pool Service

which is an independent pool maintenance service. They only provide pool maintenance

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services, not life guard services. This provides the HOA another option for having the pool ready for the pool season on time. Steven Muse inquired if the life guard provider and the maintenance provider can work together. Management would monitor the situation.

David Holtzman mentioned that three (3) Board members interviewed pool companies. The Board members who interviewed the pool companies recommend RSV Pools for the pool contract. RSV Pools also adjusted their proposal to be more in line with the proposals from other pool companies.

Craig Wilson mentioned that RSV Pools already has other pools that need repairs and is not sure whether they could complete the work on the Fountain Hill pools by the summer season. Fountain Hills could also accept the proposal from Community Pools for both pool maintenance and life guard services.

MOTION: (David Holtzman/Brandon Dart) Accept the proposal from Millennium Pool Service for Bid # 1211, 1212, and 1213 as offered at \$97,724.81.

Vote: Motion Passed - 5 ayes/2 abstentions (Walsh, McBeth)

Steven Muse inquired if Millennium Pool Service would do the fountain service. Management stated that Millennium would do the repair but not the regular servicing.

MOTION: (David Holtzman/Brandon Dart) Offer the contract to RSV Pools for management/maintenance of the pools and fountains for the summer 2010 for \$74,449.00.

Vote: Motion Passed - 5 ayes/2 abstentions (Walsh, McBeth)

5. Request for Waiver at 18707 Sparkling Water Drive, Unit 301

The homeowner has requested a waiver of the \$45.00 Notice of Intent Fee that was charged to the homeowner at 18707 Sparkling Water Drive, Unit 301 for non payment.

MOTION: (Steven Muse/Brandon Dart) Deny the request for waiver of the Notice of Intent fee for 18707 Sparkling Water Drive, Unit 301.

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

6. 18701 Sparkling Water Drive, Unit B

MOTION: (David Holtzman/Brandon Dart) Discharge the amount of \$1456.36 to be written off as bad debt for the former owner of 18701 Sparkling Water Drive, Unit B.

Vote: Motion Passed - 6 ayes/1 opposed (McBeth)

7. ARC Application for 18930 Fountain Hills Drive

The homeowner has resubmitted the application for extension of the existing deck with additional information as requested by the Board.

MOTION: (David Holtzman/Daryl McFadden) Approve the ARC application for 18930

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Vote: Motion Passed - Unanimous

G. NEW BUSINESS

1. Reserve Schedule

Vernard McBeth inquired where in the reserve schedule the pool bathrooms are up for repair/replacement. According to the last reserve schedule, the bathrooms are on the schedule for 2019 with a budget of \$40,000.00.

Management stated that a new reserve schedule should be done this year.

H. ADJOURNMENT

MOTION: (Vernard McBeth/Daryl McFadden) Adjourn the Board of Directors Meeting at 9:33 p.m.

Vote: Motion Passed - Unanimous