

**Fountain Hills Community Association  
Board of Directors Meeting  
July 2, 2015**

**As Approved at the August 6, 2015 Board of Directors Meeting**

**Board Members Present:** Thomas Walker, President  
Christopher Allo, Vice President  
Harry Matchett, Treasurer  
Frank Walsh, Secretary  
Lena Burleson, Member at Large  
Hari Donthi, Member at Large

**Board Members Absent:** Katharine Stout, Member at Large

**Others Present:** Ruchita Patel, Management Agent  
Marylou Bono, Recording Secretary

**Homeowners Present:** Sherry Lee                      David Holtzman  
Manjit Kaur                              Alex Sheraw  
Stacey Teig

**Call to Order**

The meeting was called to order at 7:31 pm by Board President Tom Walker.

**Meeting Minutes**

Frank Walsh noted several changes to the minutes of the June 4, 2015 Board of Directors meeting, to which all were in agreement.

**MOTION:** (Tom Walker, Hari Donthi) Approve the minutes of the June 4, 2015 Board of Directors meeting as amended.  
**Vote:** Approved 6-0-0.

**Homeowner Forum**

Lena Burleson requested that all who wished to speak do so respectfully as everyone is working towards the same goal.

Sherry Lee brought to the Board's attention a vacant home on Lake Geneva Way where the assigned parking spaces were being randomly used by residents to store vehicles. She requested that these spaces be marked as visitor parking. Ms. Lee noted a trash problem on Rushing Water Way, which she stated is coming from the condominiums. She has been patrolling weekly for trash and asked if a letter could be sent to Condominium management company regarding this issue.

Manjit Kaur agreed with the comments regarding trash on Rushing Water Way. She inquired whether Fountain Hills had an enforceable policy regarding weeds. Ruchita Patel read the appropriate section of the Association's legal documents. Tom Walker noted that the documents called for a subjective opinion and interpretations could vary from one person to another. He stated that specific guidelines should be approved in order for there to be enforcement.

Ms. Kaur noted the importance of the Board addressing the removal of downed and hazardous tree limbs in a timely manner. She stated that if the community lacked a budget for these items perhaps a supplemental one should be created. Ms. Patel advised that a revised budget could be adopted during the year and that the same process of approval for the original budget would have to be followed.

David Holtzman wanted to raise awareness regarding teenagers from the single family homes congregating in the wooded common area near the pool/condominiums after the posted closing time. He requested that a notice regarding the closing of the area after dark be added to the next newsletter and that possibly No Trespassing signs be installed.

### **Fountain Hills Condominium NAC Report**

Mr. Holtzman discussed the minutes of the Condominium's latest Neighborhood Advisory Council meeting, a copy of which was in the Board's management report. The Council passed motions recommending that the Fountain Hills Community Association Board not use general Association funds directly or as a loan to pay for any current or past operating expenses of the townhomes neighborhood and that the Board levy a special townhome maintenance assessment to defray the cost of repair and maintenance to private streets and roadways. Mr. Walker advised that the Board will review these recommendations with their auditors.

Pool repairs were discussed and Mr. Holtzman thanked the Board and Ms. Patel for being sensitive to the Condominium's concerns. The Council also passed a motion that the Board coordinate with them any repairs planned to the pool drainage/backwash system that would affect Fountain Hills Condominium's common areas. Mr. Walker agreed to this once a solution is identified.

### **Review of Finances**

Mr. Walker discussed the general financial picture of the Association and several items that were over budget, in particular snow removal. Ruchita Patel discussed how the snow removal budget number is calculated.

**Cash Flow** - Tom Walker advised that cash flow is tight. There are large expenses in the summer for the pool and in winter for snow. Ruchita Patel presented a cash flow projections spreadsheet, noting a negative cash flow for the next three months. There is some relief in October and then it remains tight during the snow season. The cycle continues with landscaping expenses in the spring followed by the pool season. Payment of open invoices was discussed. Ms. Patel advised the Board that she has been working with the vendors to ensure that they are all paid fairly, if late, and to maintain good relations with them despite the late payment of their invoices. She emphasized that this is not a new issue as she has been juggling invoices since September 2014.

**Delinquencies** - Ms. Patel reported that the collection attorney has collected approximately \$11,000 in the last two months. Harry Matchett stated that the Board will need to decide if the cost to maintain the services of a collection attorney is cost effective or if other options for collecting delinquent assessments should be evaluated. Mr. Holtzman mentioned that the condominiums have some issues with delinquencies, but that they have taken a very aggressive approach towards collections and have previously had large raises in assessments.

Harry Matchett distributed an analysis of delinquencies and noted that 5% of homeowners represent 97% of what is owed. Mr. Matchett feels that the collection attorney's services have not been cost effective to date. His understanding was that the collection attorney works on a contingency basis. Ms. Patel advised

that previously, legal fees were not being added to homeowners' accounts and that only 7 were in collections as of June 1, 2014, of which 4 accounts were inactive. Currently there are 154 homeowners delinquent and all are in some stage of collection action. She emphasized that the more consistent and aggressive the collection process is, the more this number will decrease. Tom Walker suggested that additional statistics be gathered on the delinquency report for discussion at next month's meeting.

### **Voting Items**

**Mediterranean Drive Fountain Vandalism Repairs** - The Board discussed vandalism of the stones at the Mediterranean Drive fountain. Ruchita Patel advised that she submitted a police report. Harry Matchett requested a copy of the police report. Ruchita Patel advised that the police report was filed online; therefore, she did not have a copy of the report. Sherry Lee stated that she saw two men in a blue truck remove the stones from the Mediterranean Drive fountain. Later the same day, Ms. Lee saw the same blue truck on Fountain Club Drive unloading stones apparently taken from the Mediterranean Drive fountain. Ruchita Patel is to check on this with the contractor. She also noted that additional repair bids for the Mediterranean Drive Fountain are expected. A fountain repair update will be added to the next issue of the newsletter. All three fountains have lights out. Repairs to the other fountains and the pool steps are ongoing in between the rain delays that the contractor is experiencing.

**Pool Repairs** - Tom Walker advised that he recently visited the pool and evaluated pending items. He recommends that the railing be reinstalled for safety, but that the painting of the diving board bases, caulking and other miscellaneous painting be put on hold. Frank Walsh agreed that the railing is the only immediate need and that overall cleaning and painting can be done in the off season. Ruchita Patel requested direction from the Board as she felt that it was not fair to continually request bids from contractors if there are no decisions or awards made. Tom Walker advised that safety issues should be the current focus. Ms. Patel suggested that if the Board wished to consider any repair work, that a list of these repairs be compiled now while the pool is open. Tom Walker stated that the Board would do a walkthrough in August before pool closing to come to an agreement on any work necessary for next year. Ms. Patel is to coordinate dates with the Board for a walkthrough.

**Tree Pruning** - The Board generally discussed tree pruning in the community and landscaper versus homeowner responsibilities. Tom Walker reported that he recently evaluated the trees under discussion and did not see any in danger of falling. Manjit Kaur stated that the HOA should prune common area tree branches away from homes. Ruchita Patel read the landscaping contract section on pruning.

The Board discussed a pruning request from the homeowner at 13322 Rising Sun Lane. Mr. Walker would like to walk the community with Dunlevy to survey and prioritize any recommended work. Ruchita Patel advised that generally tree pruning was the HOA's responsibility, but that Maryland law states that homeowners may prune back any common area tree limbs overhanging their property. Ms. Patel recommended that a consistent pruning policy be applied to all requests. She further advised that there were two considerations--ornamental trees and those in the wooded areas.

**MOTION:** (Tom Walker, Lena Burluson) Agreed that Dunlevy would prune the small tree in the common area on the side of the home at 13322 Rising Sun Lane per the landscape contract. Meet with Dunlevy to evaluate the condition of the trees behind the property.

Harry Matchett further clarified that any work that the homeowner chooses to do on their own property is their responsibility and is not reimbursable by the Association.

**Vote:** 6-0-0

Ruchita Patel presented a proposal from Dunlevy to remove hazardous trees in three areas of the community for a cost of approximately \$11,000. Tom Walker requested that a meeting be set up with Dunlevy to walk the community and evaluate all tree removal recommendations.

### **Tot Lot Woodchips**

**MOTION:** (Harry Matchett, Hari Donthi) Do not replace any wood chips or mulch at the tot lots.

**Vote:** 4-0-2 (Lean Burleson, Frank Walsh abstained)

**Harmony Woods Lane Tot Lot** – The Board discussed proposals received for the removal/relocation of this tot lot. Tom Walker advised that the Board will evaluate this tot lot during the tree walkthrough.

### **Committee Reports**

**Architectural Review Committee** - Chair Robert Love was not present.

**Pool** - Ruchita Patel advised that bids were being obtained for modification to the filter system.

**MOTION:** (Lena Burleson, Tom Walker) Reimburse the four residents \$45 per pass from the \$50 paid for a pool pass replacement this year since the fee was changed to \$5 for the 2015 season.

**Vote:** 4-2-0 (Harry Matchett, Frank Walsh against)

**Enforcement Committee** - The Board discussed a complaint registered regarding maintenance issues at the foreclosure property at 13211 Lake Geneva Way. It was reported that squatters are in the property and it is in disrepair, particularly the siding, and it is affecting the neighboring property.

**MOTION:** (Tom Walker, Lena Burleson) Hire a contractor to put a tarp over the exposed siding area for a cost of \$350. If installation of siding is less expensive, install the siding.

**Vote:** 4-1-1 (Harry Matchett - against, Frank Walsh - abstained)

Tom Walker advised that he, Harry Matchett and Ruchita Patel will meet to discuss the current enforcement procedures.

Sherry Lee advised the Board regarding visitor parking signage on Harmony Woods Lane. She thought that enforcement was only between the hours of 2 and 9 am, but the signs on Harmony Woods Lane read 24/7 enforcement. Tom Walker asked that Ms. Lee prepare a document with explanations of parking guidelines on each street for the Board's review so that a policy can be structured and formalized.

**Landscaping** - The Board discussed the proposal from the homeowner at 13205 Autumn Mist Circle to replace a missing common area tree at his expense with a Leyland Cypress. A holly tree was recommended. Frank Walsh stated that this could set a precedent and he is against any tree replacements in the common area by homeowners.

**MOTION:** (Tom Walker, Lena Burleson) Allow the owner at 13205 Autumn Mist Circle to replace the fallen common area tree with a holly tree installed by a professional landscaper.

The tree will become the Association's property.

Following discussion, Mr. Walker withdrew his motion.

### **Social**

**MOTION:** (Tom Walker, Chris Allo) Approve the Committee to hold a fall community yard sale to piggyback with the Germantown Flea Market on October 3, 2015. It is the Committee's responsibility to remove all signage following the event.

**Vote:** 4-1-1 (Harry Matchett - against, Frank Walsh - abstained)

### **Adjournment**

Tom Walker moved to adjourn the Board of Directors meeting at 9:58 pm.

Submitted by: Marylou Bono, The Management Group Associates, Inc.

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