

**Fountain Hills Community Association
Board of Directors Meeting
June 3, 2010**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Service Center on Thursday, June 3, 2010 at 7:30 p.m.

Board Members Present:

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

Also Present:

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

Homeowners Present:

Sue Adamkiewicz, 13322 Rising Sun Lane
Phil and Maggie Suter, 13384 Rushing Water Way

Others Present:

Onecimo "Oz" Zamora, Vice President of Operations - MD, McFall & Berry
Joe Seamone, Horticulturist, McFall & Berry
Scott Vincent, President, RSV Pools
Mike Williams, Vice President, RSV Pools
Pete Fleming, Area Supervisor, RSV Pools

A. CALL TO ORDER

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

B. MINUTES

1. June 6, 2010 Board of Directors Meeting Minutes

Nicolm Mahabir stated that an incident that occurred during the May 2010 Board meeting was not included in the minutes. The Recording Secretary stated that Mr. Mahabir could present a statement for inclusion in the minutes that could be approved by the Board. Mr. Mahabir present a statement which was read out loud by David Holtzman. Mr. Holtzman objected to the statement as he thought it did not present a fair representation of what happened at the meeting.

MOTION: (Vernard McBeth/Steven Muse) Table the approval of the May 2010 Board Meeting Minutes until next month.

Vote : Motion Passed - 5 ayes/1 nay (Holtzman)/1 abstention (Mahabir)

C. MEETING WITH MCFALL & BERRY

Onecimo "Oz" Zamora, Vice President of Operations and Joe Seamone, Horticulturist, of McFall & Berry were present to discuss with Board Members and homeowners the landscaping issues during this time of transition. Onecimo thanked the Board of the opportunity to be the landscape contractor for Fountain Hills Community Association. He stated that there will be bumps through the first year, but with patience these problems can be worked through.

Vernard McBeth mentioned that he appreciated the uniforms that the crews wear when they come on the property, so they can be identified. He stated that the grass is not being cut evenly in the common areas and at the town houses. Daryl McFadden noted that there have been complaints from homeowners concerning the unevenness of the grass cutting.

Nicolm Mahabir stated that as a homeowner he sees the issues that need to be handled as the grass is being cut unevenly, the edging is uneven, and the grass clippings should be blown away from the house, not into flower beds and onto steps.

Vernard McBeth also inquired what the response time is after a concern is communicated to McFall & Berry. Onecimo stated that he is usually in the Germantown area and McFall & Berry can usually respond within 24 hours.

Vernard McBeth also inquired if McFall & Berry could provide designs for upgrading the landscaping at the entrances to the community. Joe Seamone stated that McFall & Berry does provide those design services.

Phil Suter, 13384 Rushing Water Way, stated that the grass cutting in his yard is sloppy. The cuttings are neither bagged nor mulched. Thus he has to rake up the grass clippings himself. The grass clippings are blown into the landscaping. The grass gets to be too long between cuttings. Mr. Suter feels that he is not receiving the service he should be provided as a member of the community. Onecimo stated that he will be in the community when the crews come to mow and will work with the crews to correct these issues.

D. MEETING WITH RSV POOLS

Scott Vincent, President; Mike Williams, Vice President; and Pete Fleming, Area Supervisor were present from RSV Pools to discuss the beginning of the pool season and the working of the fountains in Fountain Hills. Mr. Vincent thanked the Board for the opportunity to be the community's pool contractor. The pool opening went well. There had been problems starting up the pools, but those issues were taken care of before the season started. The bubblers are working at the beach pool. The bubblers are not a consistent height, and RSV is working on an a way to control it. Management and RSV will keep an eye on how the situation with the bubblers goes as to whether they are

Mr. Vincent stated that RSV has looked at the three (3) fountains in the community to get them operational. RSV has submitted a proposal not to exceed \$3,600.00 for repairs to the fountains. This proposal includes pressure testing of all plumbing, removing structurally damaged areas of the fountain floor, repairing underground and above ground leaks, caulking and evaluating areas that are questionable for repairs. If the repairs surpass the not to exceed budget, Fountain Hills will be notified and a second proposal will be presented. Mr. Vincent stated that the work could be started on Monday or Tuesday of next week, if the proposal is approved at tonight's meeting. Hopefully, the fountains would be functional within a week.

Scott Vincent also mentioned that one of the diving boards is currently not useable due to a crack. A replacement diving board was approved by the Board at the last Board Meeting.

E. MANAGEMENT REPORT

1. Posting of Delinquent Homeowners

Board Members David Holtzman, Frank Walsh, and Brandon Dart wrote a recommendation that the Board consider posting, in a prominent location in the community, the names of homeowners who are more than ninety (90) days past due on their assessments. It was suggested that this list be placed at the entrance to the community pool.

Steven Muse suggested that this matter be tabled until the next meeting.

Nicolm Mahabir stated that this is a matter of conjecture and is not allowed under the rules of order.

MOTION: (Steven Muse) Table the posting of delinquent homeowners until next month.
The motion died as there was no second.

Management stated that if the names are to be posted that legal counsel should be consulted in order to protect the Board.

MOTION: (David Holtzman)

Nicolm Mahabir stated that David Holtzman cannot make a motion as the Board will not recognize him unless he apologizes for his actions at the May Board Meeting.

David Holtzman stated that Mr. Mahabir was out of order.

MOTION: (Steven Muse/Frank Walsh) Approve the posting of the delinquent homeowners.

Vote: Motion Failed - Unanimous

MOTION: (Frank Walsh/Brandon Dart) Run the posting by legal counsel before proceeding.

Vote: Motion Passed - 4 ayes/3 nays

2. Restrictions on Delinquent Homeowners

Board Members David Holtzman, Frank Walsh, and Brandon Dart made a request

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to suspend the rights to use the common area and facilities of any homeowner who is delinquent in their assessments of more than ninety (90) days. This would include elimination of reserved parking spaces for delinquent residents and canceling their parking permits.

Pool Passes are already withheld from homeowners who are delinquent on their assessments. As to taking away parking privileges for delinquent homeowners, Management stated that this is not equitable throughout the community.

Vernard McBeth stated that the restriction of parking does not apply to all homeowners in the community equally as some of the town homes have garage parking, the single family homes have their own parking, and this restriction cannot be applied to the condominiums.

Mr. McBeth stated that of the homeowners listed on the delinquent list most are single family houses, townhouses with garage units or condominiums. This means there may be only a handful of homeowners who would be affected by the parking restrictions. It also seems expensive to repaint parking spaces for so few. The proposal for restrictions of delinquent homeowners should have been more thought out and better planned.

MOTION: (Steven Muse/Vernard McBeth) Accept the restriction on parking for delinquent homeowners as is.

Vote: Motion Failed - 1 aye/4 nays/2 abstentions (Mahabir/Dart

David Holtzman stated for the record that he has not been permitted to participate in the meeting though a full Board Member.

Nicolm Mahabir stated that until Mr. Holtzman apologizes to the Board he will not be recognized at the meeting.

Management called for a short recess at 8:30 p.m.

The Board Meeting resumed at 8:35 p.m. with Vernard McBeth chairing the Board Meeting.

3. Proposal for Fountain Repair

RSV Pools has submitted a proposal to repair the three (3) fountains for a cost not to exceed \$3,600.00.

MOTION: (Daryl McFadden/Brandon Dart) Accept the proposal from RSV Pools, Inc. for repairs to the fountains not to exceed \$3,600.00.

Vote: Motion Passed - 6 ayes/1 abstention

If the needed repairs are projected to exceed the budgeted amount of \$3,600.00, RSV Pools will notify the Board and a second proposal presented.

4. Tree at 13322 Rising Sun Lane

Management had an arborist evaluate the tree and roots at 13322 Rising Sun

Lane. The arborist recommends that the roots be cut and/or the tree removed. It was determined that these types of roots are not causing damage to the foundation of the house, but cutting the roots may kill the tree. The cost to cut the roots is \$150.00. The cost to remove the tree and roots would be \$400.00. This does not include the price of planting a new tree which would be another \$400.00 to \$800.00.

MOTION: (Vernard McBeth/Steven Muse) Approve the proposal to remove and replace the tree, based on the arborist's recommendation, at 13322 Rising Sun Lane, not to exceed \$1,000.00.

Frank Walsh inquired if this situation would happen again in another five (5) years. Management responded that another type of tree better suited for that area would be planted. A new tree would not be planted until the Fall. David Holtzman inquired if the funds to remove the tree would come from the townhouse or general expense budgets. Management responded that the money would come from general expense budget. Vernard McBeth withdrew motion.

MOTION: (Vernard McBeth/Steven Muse) Approve only the removal of the tree at 13322 Rising Sun Lane for \$400.00. The decision on a replacement tree will be made at a later time.

Vote: Motion Passed - Unanimous

5. Budget Recommendation for Townhouse Assessment

Management received a recommendation from David Holtzman, Brandon Dart and Frank Walsh to increase the amount of the contribution to the Townhouse Reserve by \$25,000.00 for FY2011 by increasing the townhouse assessments by \$4.40 a month.

MOTION: (Vernard McBeth/Steven Muse) Table the recommendation for increasing the Townhouse Reserves by \$25,000.00 until August.

David Holtzman stated that tabling the issue until August will disrupt the budget process. If the budget is passed without reserve funding, the budget cannot be adjusted if the Board decides to change the town house reserves.

Vernard McBeth stated that this matter should have been brought before the Board well before the budget needed to be approved.

Vote: Motion Passed - 4 ayes/3 nays (Holtzman, Walsh, Dart)

6. FY2011 Budget

David Holtzman stated that the Board needs to reduce the number of delinquencies as the number of overdue assessments is rising. Vernard McBeth stated that Management has stated that the delinquency rate is below the national average, and no one else seems to be concerned over this issue. Frank Walsh stated that the items discussed earlier concerning delinquencies cover those issues. Vernard McBeth stated that changing parking spaces for only a handful of delinquent homeowners will not help

the budget.

Craig Wilson stated that the town homes had a loss for this year, but there is enough equity to cover the loss. The reserves are being funded correctly.

MOTION: (Vernard McBeth/Daryl McFadden) Adopt the FY2011 budget as presented.

Vote: Motion Passed - 4 ayes/3 nays (Holtzman/Walsh/Dart)

David Holtzman stated that a separate reserve account for the townhouses is not on the balance sheet. Management stated that this is a book keeping entry under the equity section of the balance sheet.

7. Request to Form a Bridge Club

Management received an email requesting the formation of an official Fountain Hills Bridge Club. The Board tabled discussion on this matter as there is no where to host the club and the Board is not sure what the homeowner is looking for from the HOA.

F. ARC APPLICATIONS

1. 13300 Rising Sun Lane

The homeowner is requesting the installation of a fence to the rear of the property. The fence will be constructed of board on board with pressure treated lumber. This application was disapproved last month for the incorrect type of fence. The homeowner has resubmitted the application with a picture of the correct fence.

MOTION: (Vernard McBeth/Daryl McFadden) Approve the ARC Application for 13300 Rising Sun Lane for a board on board fence.

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

2. 13259 Autumn Mist Circle

The homeowner submitted an architectural application for construction of a patio that will join to the house at the exit of the basement.

MOTION: (Vernard McBeth/Daryl McFadden) Approve the ARC Application for 13259 Rising Sun Lane for patio.

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

3. 13431 Fountain Club Drive, Unit 202

This ARC Application is for a condominium unit and should be approved/disapproved by the Condominium Board.

4. 13201 Autumn Mist Circle

The homeowner is requesting the installation of a full clear storm door.

MOTION: (Vernard McBeth/Daryl McFadden) Accept the ARC Application for 13201 Autumn Mist Circle for installation of a full clear storm door.

Management stated that the storm door should match the color of the house.

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Amend: (Vernard McBeth/Daryl McFadden) If possible have the color of the storm door the same as the house or white.

Vote: Motion Passed - 5 ayes/2 nays (Walsh/Holtzman)

5. 13224 Lake Geneva Way

The homeowner submitted an ARC Application to construct a deck that will measure 13' x 20'; natural in color.

MOTION: (Vernard McBeth/Daryl McFadden) Approve the ARC Application for 13224 Lake Geneva Way for installation of a deck.

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

6. 18728 Harmony Woods Lane

The homeowner submitted an ARC Application for a deck to the back of the house constructed of timber tech composite in brown with a white vinyl railing system.

David Holtzman inquired as to the color of the house. The color of the house was not known.

Management stated that it may be time for the Board to review the ARC guidelines as the construction materials for decking has changed since the guidelines were originally approved.

MOTION: (Vernard McBeth/Daryl McFadden) Approve the ARC Application for 18728 Harmony Woods Lane for a deck of timber tech composite, brown, and white railings.

Vote: Motion Passed - 5 ayes/1 nay (Holtzman)/1 abstention (Walsh)

7. 18810 Lake Placid Lane

The homeowner submitted an ARC Application for the addition of solar panels to the backside of the roof.

Management stated that the installation of solar panels cannot be restricted by Maryland law.

MOTION: (Vernard McBeth/Daryl McFadden) Approve the ARC Application for 18810 Lake Placid Lane for solar panels to the backside of the roof.

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

G. FINANCIALS

1. 13300 Rising Sun Lane

The property at 13300 Rising Sun Lane was foreclosed on by the mortgage company on October 6, 2009. The property was transferred to a new homeowners in April 2010. All monies due from the foreclosure date forward have been paid by either the mortgage company or the new owner. The request is to write off as bad debt the pre-foreclosure amount of \$213.24.

MOTION: (Brandon Dart/Daryl McFadden) Write off as bad debt for 13300 Rising Sun Lane the amount of \$213.24.

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

H. UNFINISHED BUSINESS

1. Tot Lot on Lake Geneva Way

Daryl McFadden inquired if Management has looked more into the problem with the installation of the equipment at the Lake Geneva tot lot. Mr. McFadden stated that the slide and the swings need to be inspected. Management stated that Mr. Espinosa, Playground Specialists, has retired, and the gentleman who took over is hard to track down. The Board requested that Management have Playground Specialists come to the Board Meeting in July.

2. Update on House on Hamlet Square

A hearing was held in court, and the judge gave the homeowners another month to clean out the house. The homeowner will be in contempt of court if the house is not cleared out. The judge is almost ready to order the county to clean out the house. The homeowners have also not paid taxes. Management will let the Board know when the next hearing is scheduled.

I. NEW BUSINESS

1. Disrepair of Houses

There are a number of houses on Rushing Water, Hamlet Square, Champions Way and Niagara Falls that have violations that need to be addressed. Some of these houses are probably at the point that they should be fined. The Enforcement Committee will provide a report to discuss these issues at the next meeting.

2. Fountain Hills Festival

Nicolm Mahabir mentioned that the Fountain Hills Festival will be held on Saturday, July 17, 2010 from noon to 4:00 p.m. There will be a meeting at the Starbucks next to Giant on Monday, June 7th, to plan the event.

3. Enforcement Letter

David Holtzman inquired how the Enforcement Committee is handling plain site violations. Steven Muse mentioned that the wording on the violation to homeowners needs to be changed to make the wording stronger. The word "may" needs to be changed to "will". This matter has been addressed with Management.

J. ADJOURNMENT

MOTION: (Vernard McBeth/Daryl McFadden) Adjourn the Board Meeting at 9:25 p.m. The motion was approved by acclamation.

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