

Corrected as approved on April 4, 2013

**Fountain Hills Community Association  
Board of Directors Meeting  
March 7, 2013**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, March 7, 2013 at 7:30 p.m.

**Board Members Present:**

Nicolm Mahabir, President  
Sue Adamkiewicz, Vice President  
Frank Walsh, Secretary  
Tom Brennan, Director  
Siu Poon, Director  
Phil Suter, Director  
Harry Matchet, Treasurer (arr. 7:50 p.m.)

**Also Present:**

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

**Homeowners Present:**

Marlene Byard, 18709 Autumn Mist Drive

**Contractor Representative Present:**

Mike Holt, RSV Pools, Inc.

**A. CALL TO ORDER**

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

**B. MINUTES**

1. February 7, 2013 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Accept the February 7, 2013 Board of Directors Meeting Minutes as edited.

**Vote:** Motion Passed - Unanimous

**C. DIRECTORS AND OFFICERS REPORTS**

1. Follow-up after Hearing for 13312 Rising Sun Lane

Phil Suter reminded Board members that the request for installation of pavers at 13312 Rising Sun Lane had been denied. Mr. Suter stated that although the pavers were removed, rocks were left in that area. Mr. Suter requested that the homeowner be

reminded that the area needs to be returned to its condition before the modification.

2. Follow-up on 18817 Lake Placid Lane

Nicolm Mahabair noted that the Board had agreed to file a case with the CCOC for installation of steps to the side of the house without written prior architectural approval. Mr. Mahabair noted that he believes that the steps have been there for at least eight (8) years and asked if it was still a good idea to send the case to the CCOC. It was suggested that a letter could be sent stating that although the steps are out of ARC compliance in this case, the Association will accept them as built. It is noted that this might set the wrong precedence for the future.

Craig Wilson, Vanguard Management, suggested that the Board look at this matter in the following manner: If the homeowner submitted an ARC Application, would it be approved? Craig Wilson also noted that the purpose of the architectural review is to approve what an alteration looks like, asking whether it fits in with the community. The question is not its proposed usage.

Tom Brennan will ask the ARC if they would approve the steps.

3. Landscaping of Main Fountain

The Board requested that Management set up a meeting with Dunlevy on March 13th to discuss the landscaping at the main fountain.

4. Violation for 18707 Autumn Mist Drive

It was noted that the violation for a light post in the back yard of 18707 Autumn Mist Drive has not been corrected. An unresolved violation can be sent to the CCOC either after thirty (30) days have passed or if it has accrued fines to the maximum of \$500.00.

**MOTION:** (Phil Suter/Tom Brennan) File a CCOC case for 18707 Autumn Mist Drive for unapproved ARC modification.

**Vote:** Motion Passed - Unanimous

5. Trash Complaints

It was noted that new complaints, about trash containers being left out, have been received. It was requested that the Enforcement Committee check on the trash cans on Sunday nights and send violation notices to those homeowners who are not removing their trash cans.

6. Homeowner Interested in Volunteering

The Board inquired if Management had heard from Rajesh Dhingra with his contact information. Management had not heard from Mr. Dhingra. The Board requested that Management send a letter asking Mr. Dhingra if he is still interested in serving on the Enforcement Committee and, if so, to forward his contact information.

**D. RSV POOLS, INC.**

Mike Holt, RSV Pools, was present to discuss the preseason repair list for the pool. Mr. Holt mentioned that the proposal is an estimate and includes items that often need replacing due to normal wear and tear. Mr. Holt stated that the diving board has been ordered and the chairs have been re-strapped. The pre-season draining and cleaning of the pool will start soon. Mr. Holt mentioned that they will be able to determine whether the pool light units need to be replaced, or if it just a burned out light bulb, when there is access to the pool. Mr. Holt stated that the cost to replace the light unit is approximately \$485.00, but there are also now LED pool lights for commercial use; the LED pool lights are more expensive, but last longer. The Board requested that Mr. Holt provide the Board with a quote for both types of light units.

**MOTION:** (Phil Suter/Tom Brennan) Approve the preseason repair list submitted by RSV Pools up to \$1,925.27.

**Vote:** Motion Passed - Unanimous

The Board reminded Mr. Holt to contact Management when they are ready to schedule the preseason inspection and to be sure not to let water overflow the parking lot.

**E. HOMEOWNER OPEN FORUM**

1. Marlene Byard, 18709 Autumn Mist Drive, inquired if there was any progress in solving the problem of her neighbor's light shining into her windows. Mr. Byard inquired if the homeowner could be asked to turn off the light at midnight.

Ms. Byard also inquired if repairs to the exterior of the home need ARC approval. The Board stated that replacements of the same kind do not need ARC approval, but any changes in style must be approved. Ms. Byard asked if it was possible for the ARC to put suggested style and color on the website. It was noted that it is difficult to put color samples on line, as computer displays and printers do not always give correct shades, and it is difficult to suggest particular styles. as styles change constantly. Ms. Byard also inquired about replacing or remodeling her deck. The Board stated that any changes to the existing deck need to be approved, and lattice screening for privacy would need approval.

2. Tom Brennan, Board member, mentioned that the common area behind his house often has standing water after rain and he would like to have the problem addressed. Management will have John's Labor Group check on the drainage.

**F. COMMITTEE REPORTS**

1. Enforcement Committee

Sue Adamkiewicz stated that the Enforcement Committee met about five (5) weeks ago, did an inspection, and cited a number of residents for violations. The Enforcement Committee will meet again in April to check on whether these violations

have been correct. Management stated that some homeowners have requested extended time to correct violations due to the winter weather.

2. Towing

It was noted that a vehicle on Champion's Way has been cited with a tow warning. Management stated that the tow notice is good for one hundred eighty (180) days, so if the vehicle returns it can still be towed. The vehicle cannot be towed from the driveway.

3. Social Committee

Siu Poon noted that the community held a yard sale in June last year and she would like to do another one in 2013. It was suggested that the yard sale should take place earlier than June. Siu Poon and Nicolm Mahabir will choose a date for the yard sale.

4. Homeowner Request for a PODS

Management stated that a homeowner has requested a PODS. Management stated that PODS have been allowed in the past as long as the homeowner notifies Management. The initial request is for two (2) weeks; if additional time is needed, the homeowner will notify Management.

**G. MANAGEMENT REPORT**

1. Sidewalk Installation by County

Montgomery County has requested that the Association grant an easement for installation of a sidewalk on Village Fountain Drive to connect into the newly installed sidewalk on Clopper Road. Management will have the easement agreement reviewed by legal counsel. Phil Suter noted that there is a gap further down the sidewalk, but Management stated that the County will not fix this as it is on private property.

**MOTION:** (Siu Poon/Sue Adamkiewicz) Agree to grant easement and right of entry to Montgomery County for sidewalk as long as legal counsel approves the contract submitted by the County.

**Vote:** Motion Passed - 4 ayes/2 nays (Suter/Brennan)/1 abstention (Matchett)

2. Wildflower Proposal

Management presented the Board with a proposal from D&A Dunlevy for planting wildflowers along the sidewalk, by the woods, which runs parallel to Great Seneca Highway. Nicolm Mahabir stated he hopes the wildflowers add natural beauty to

this area. It was also suggested that the Association work with the Tree-Mendous program to plant flowering shrubs in that area as another alternative. The Board agreed to table the wildflower project for ninety (90) days.

3. FY2014 Draft Budget

The Board discussed the proposed draft budget presented by Management for FY2014. The draft budget includes an increase in the monthly assessments. The Board discussed whether the increase in assessments was needed and if there are areas that can be adjusted so the assessments don't need to be increased. It was noted that the landscaping contract is increased from last year, and there are added costs due to CCOC cases.

Management stated that the draft budget can be approved to send to homeowners and that there will still be time to adjust the budget, as the final approval won't be until May.

**MOTION:** (Nicolm Mahabir/Siu Poon) Accept the FY2014 draft budget proposal for distribution to homeowners.

**Vote:** Motion Passed - 5 ayes/1 nay (Brennan)/1 abstention (Matchett)

4. FY2011/2010 Draft Audit

Management provided the Board with the FY2011/2010 draft audit from Goldklang Group. Management noted that although the audit notes that the delinquency rate is high, the delinquency rate is comparable to other communities.

**MOTION:** (Phil Suter/Nicolm Mahabir) Accept the FY2011/2010 draft audit as submitted by Goldklang Group.

**Vote:** Motion Passed - 4 ayes/0 nays/3 abstentions (Walsh, Matchett, Brennan)

5. Federal and State Income Tax Returns

Management provided the Board with the FY2012 Federal and State Income Tax Returns. The Association received a refund on the State Income Tax Return in the amount of \$33.00 and a balance due on the Federal Income Tax Return of \$1,341.00.

**MOTION:** (Phil Suter/Tom Brennan) Accept the Federal and State Income Tax Returns and credit the refund to next year's taxes.

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstentions (Matchett)

6. Audit Engagement Letter

Management provided the Board with the audit engagement letter from the Goldklang Group for years ending June 30, 2013 and June 30, 2014. The fees for the audit are \$3,100.00 for 2013 and \$3,300.00 for 2014. The cost to prepare Federal and State Income Tax returns is \$350.00 per year and the preparation and filing of the

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Personal Property Tax will be \$100.00 per year.

**MOTION:** (Phil Suter/Tom Brennan) Accept the Audit Engagement Letter as submitted by Goldklang Group.

**Vote:** Motion Passed - 5 ayes/0 nays/ 2 abstentions (Walsh/Matchett)

7. Deferred Assessment Resolution

Management provided the Board with a letter from the Goldklang Group requesting that the Board of Directors approve the deferred assessment resolution.

**MOTION:** (Phil Suter/Tom Brennan) Approve the tax deferred resolution suggested by Goldklang Group that the Association elects to apply all or part of the excess assessment income to the following year's assessments.

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstention (Matchett)

8. Stop Signs and Stop Lines

Management noted that the stop signs will soon be installed at the intersection of Little Star Lane and Rising Sun Lane. It was noted that the new stop lines have already faded. Management will have the contractor come back and repaint the lines.

**H. NEW BUSINESS**

1. New Board Member Packet

Harry Matchett noted that he had not received the new Board member packet from Management. Management will provide this packet to Mr. Matchett before the April Board meeting.

**I. CLOSED MEETING**

**MOTION:** (Phil Suter/Tom Brennan) Move into Closed Meeting at 9:05 p.m.

**Vote:** Motion Passed - Unanimous

**J. RESULTS OF THE CLOSED MEETING**

The Board reviewed the Closed Meeting Minutes, and Management updated the Board on the two (2) CCOC cases filed against the Association.

**K. REGULAR BOARD MEETING RESUMED**

**MOTION:** (Phil Suter/Siu Poon) Resume the regular Board of Directors Meeting at 9:37 p.m.

**Vote:** Motion Passed - Unanimous

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9. February 7, 2013 Closed Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Approve the Closed Meeting Minutes as submitted.

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstention (Poon)

10. Request for Hearing

Management provided the Board with a request from the homeowner of 19001 Noble Oak Drive for a Hearing to dispute the balance on the account. The homeowner has also requested that \$1,049.50 in charges be waived.

Craig Wilson noted that the homeowner may have misunderstood that, under Maryland law, they must make the request to dispute a lien to the Circuit Court of Montgomery County instead of going through the Association.

**MOTION:** (Phil Suter/Tom Brennan) Deny the request of 19001 Noble Oak Drive to waive fees of \$1,049.50.

**Vote:** Motion Passed - Unanimous

11. Pool Passes

Management suggested that the Association revert back to the paper system for pool passes. Management will draft a letter to homeowner with a short explanation why the Association is going back to the paper system. Management will email the Board the draft letter for their approval.

**MOTION:** (Tom Brennan/Siu Poon) Move forward with the paper system for pool passes.

**Vote:** Motion Passed - 6 ayes/0 nays/1 abstention (Walsh)

**L. ADJOURNMENT**

**MOTION:** (Nicolm Mahabir/Siu Poon) Adjourn the Board of directors Meeting at 9:45 p.m.

**Vote:** Motion Passed - Unanimous