

Corrected as edited and approved on December 6, 2012

**Fountain Hills Community Association  
Board of Directors Meeting  
November 1, 2012**

The Board of Directors of the Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, November 1, 2012 at 7:30 p.m.

**Board Members Present:**

Phil Suter, President  
Nicolm Mahabir, Vice President  
Frank Walsh, Secretary  
Siu Poon, Director  
Tom Brennan, Director  
Harry Matchett, Director

**Also Present:**

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

**Board Members Absent:**

Sue Adamkiewicz, Director

**Homeowners Present:**

Maggie Suter, 13384 Rushing Water Way  
Harry Matchett, 13220 Lake Geneva Way  
Connie Cho, 13506 Rising Sun Lane  
Joel Araneda Vargas, 13317 Rushing Water Way  
David Holtzman, 18715 Sparkling Water Drive, Unit 102  
Vernard McBeth, 13108 Lake Geneva Way  
Steven Muse, 18804 Porterfield Way  
Daryl McFadden, 13135 Lake Geneva Way

**A. CALL TO ORDER**

The November Board of Directors Meeting was called to order by Phil Suter at 7:45 p.m.

**B. ORGANIZATIONAL MEETING**

The positions for Officers and Directors for the current Board of Directors will be voted on at the December Board of Directors Meeting. The current Board positions on will remain the same for the November Board Meeting.

**C. MINUTES**

1. September 6, 2012 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Siu Poon) Accept the September 6, 2012 Board of Directors

Meeting Minutes as edited.

**Vote:** Motion Passed - 4 ayes/0 nays/2 abstentions (Walsh, Matchett)

#### **D. REPORTS OF OFFICERS AND DIRECTORS**

##### 1. Resident Comments

Phil Suter reported that comments had been received on the Board's email concerning the poor job by the landscaper of cleaning up the leaves. There were also concerns raised about trash and young adults hanging out at the Rushing Water Way tot lot. Finally, there was a request for adjudication of an Enforcement Violation.

2. Siu Poon reported that a homeowner had mentioned that huge pavers placed by the sidewalk at 18923 Fountain Hills Drive are a trip hazard. Management will inspect the pavers and investigate whether an ARC application was submitted for their installation.

#### **E. COMMITTEE REPORTS**

##### 1. Landscape Committee

Phil Suter, Siu Poon and Frank Walsh met with D&A Dunlevy to discuss landscaping enhancements in the community. The proposals for the landscaping enhancements from D&A Dunlevy came in under budget.

Additional trees for the community will be planted utilizing the Tree-Mendous Program.

##### 2. Enforcement Committee

Management included the most recent violation notices in the Management Packet. Any issues concerning these violation notices will be discussed as part of the regular agenda.

#### **F. HOMEOWNER OPEN FORUM**

1. Joel Vargas, 13317 Rushing Water Way, noted that over the past year the vicinity of Rushing Water Way has changed. In particular it is becoming overrun with trash, there is excessive noise, and people hanging around. Mr. Vargas stated that it has been difficult to know who to report these problems to. Management stated that the Fountain Hills HOA is responsible for lawn maintenance, sidewalks, and parking. All other issues need to be brought to the attention of Chambers Management.

Management stated that they forward to Chambers Management all complaints that are not Vanguard's responsibility. Homeowners should direct any issues involving damage to cars or loitering to the police.

Mr. Vargas also mentioned that the door to the sprinkler system room is kept open and never closed. It was suggested that the HOA contact Chambers on this issue on behalf of the Mr. Vargas, as it is a public safety issue.

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2. Vernard McBeth, 13108 Lake Geneva Way, inquired what the Fountain Hills Condominium assessments cover. Management reported that the Condominium assessment go to the general assessment, green spaces, and pool but does not cover the town home streets.

3. Steven Muse, 18804 Porterfield Way, noted that a large tree had fallen from the common area into his yard. Mr. Muse stated that he had contacted both the Board and Management, but had received no response. Management stated that if the tree has fallen on homeowner's property, it is the homeowner's responsibility to remove it.

Mr. Muse mentioned that he sent Management an email on July 30<sup>th</sup> and October 8<sup>th</sup> concerning a faded street sign, but he had received no response. Management stated that a replacement sign has been ordered. Mr. Muse stated that he would have appreciated a response to his email and inquired how he could get answers to his emails.

Mr. Muse stated that he had received a violation notice for trash/recycling containers in public view on non-collection days, but the wording of the violation is not supported by the By-Laws. Mr. Muse requested that the violation be rescinded and that the wording of the violation match the statement in the By-Laws. The Board stated that this matter will be discussed under New Business.

4. Connie Cho, 13506 Rising Sun Lane, inquired if permission was needed to remove a large tree outside her home. Management stated that trees that are six (6) inches in diameter and two (2) feet above the ground that are intended for removal need approval by submitting an ARC Application.

Ms. Cho also mentioned that she received a violation notice and, as she is a new owner, she requested clarification on what needed to be done to correct the violation. Management stated that the homeowner can contact Management for clarification of the violation.

5. David Holtzman, 18715 Sparkling Water Drive, Unit 102, noted that a street light near 13401 Fountain Club Drive needs to be replaced, as it is very dark in that area.

Mr. Holtzman noted that the Condominium is responsible for their streets along with the parking lot below the pool. The HOA does not provide any monetary support for these areas.

Mr. Holtzman mentioned his concern on clearing of County sidewalks in the Community. Mr. Holtzman noted that many homeowners do not clear their sidewalks after a snow event and this can be hazardous to residents who either walk on the uncleared sidewalks or are forced to walk in the street. Mr. Holtzman requested that the HOA consider having the snow removal contractor clear these sidewalks. Management stated that according to County code, homeowners are responsible for clearing of County

sidewalks following a snow event. The Board will discuss this issue under New Business.

## **G. MANAGEMENT REPORT**

### **1. New Maryland Towing Law**

Management reported on a bill concerning regulation of towing companies, which was passed by the Maryland Legislature and took effect on October 1, 2012. The law requires that new parking signs, 24" high x 30" wide, must be installed for every forty-nine spaces. Management advised G&G Towing in a letter to cease towing in the community until such time that the community becomes compliant with the new state law. Management stated that the towing law will probably be revisited next year. The Board discussed whether to install the new signs. The Board agreed to install the new towing signs. The signs will be installed by G&G Towing at no cost to the Association. Nicolm Mahabir will work with Management and G&G Towing on placement of the signs.

### **2. 2012/2013 Snow Removal Contract**

Management provided the Board with snow removal proposals from D&A Dunlevy and O'Leary Paving. The community has used D&A Dunlevy for snow removal for the past four (4) years and the cost for time and materials have not increased from last year.

**MOTION:** (Phil Suter/Siu Poon) Accept the proposal from D&A Dunlevy for snow removal for the 2012/2013 winter season.

**Vote:** Motion Passed - Unanimous

### **3. Landscape Maintenance Contract**

The Board requested that Management provide proposals for landscape maintenance at the December Board Meeting. Management stated that ValleyCrest Landscape Company would require a thirty (30) day notice to terminate the contract.

**MOTION:** (Nicolm Mahabir/Tom Brennan) Terminate ValleyCrest Landscape Company effective December 31, 2011.

Frank Walsh stated that the Board should try not to change landscapers every year.

**Vote:** Motion Passed - 5 ayes/0 nays/1 abstention (Walsh)

### **4. Pool and Fountain Contracts**

The Board requested that Management provide proposals for the pool and fountains at the December Board Meeting.

### **5. Trash Removal Contract**

Management stated that the trash contract is perpetual with a termination clause.

Tom Brennan inquired if bulk trash pick-up was included in the trash contract. Management stated that bulk trash pick-up would be an additional cost, but the contractor will often pick up a bulk item if they are notified. The County will pick up bulk trash if requested by calling 311.

6. Violation Matters

Vernard McBeth, 13108 Lake Geneva Way, received a violation notice in September for a storm door and light fixture. Mr. McBeth stated that the storm door and light fixture had been approved by the ARC, but Management does not have a copy of the Application on file. Management requested that Mr. McBeth provide a copy of the ARC Application and a written request to rescind the violation notice. The Board requested that this matter be placed on the agenda for the December Board Meeting.

7. Towns at Chestnut Oaks (TACO) Shared Maintenance Agreement

Management provided the Board with the 2013 Operating Budget from TACO for the shared maintenance for Harmony Woods Lane. The cost of the Shared Maintenance Agreement for 2013 for Fountain Hills Community Association is \$3,872.82.

**MOTION:** (Phil Suter/Siu Poon) Accept the Shared Maintenance Agreement proposal with the Towns at Chestnut Oaks for \$3,872.82.

**Vote:** Motion Passed - 4 ayes/0 nays/2 abstentions (Brennan, Matchett)

**H. UNFINISHED BUSINESS**

1. Placement of New Stop Signs

Management stated that half of the stop signs have been installed, but issues with trees are delaying the installation of the remainder. Management and Nicolm Mahabir will inspect the areas for placement for the rest of the stop signs.

**I. NEW BUSINESS**

1. Rescinding of Violation

Steven Muse requested that the violation he received for trash or recycling containers in public view on non-collection days be rescinded as the wording on the violation is not correctly worded according to the Declarations. After discussion between Management and Board members, the Board agreed that the wording on the violation notice is correct. Mr. Muse requested a Hearing for rescinding of the violation.

2. Snow Clearing of County Sidewalks

The Board discussed the issues of clearing County sidewalks in the community. It was noted that it would be a large increase in the snow clearing contract to cover the

clearing of the sidewalks. The Board agreed not to include the clearing of the County

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sidewalks in the show clearing contract, and information would be included in the newsletter and on the website concerning the County law that homeowners are responsible to clear the sidewalks in front of their house. This notice will also include a request to help neighbors.

**J. CLOSED MEETING**

**MOTION:** (Phil Suter/Nicolm Mahabir) Move to Closed Meeting at 9:10 p.m.

**Vote:** Motion Passed - Unanimous

**K. RESULTS OF CLOSED MEETING**

The Board discussed the result of the CCOC Mediation.

**L. OLD BUSINESS**

1. Request for Pool Pass Reinstatement

The Board discussed the matter of reinstatement of pool passes for a homeowner who lost pool privileges for one (1) year.

The Board discussed this issue and agreed that until the homeowner contacts the Board with written correspondence or requests a Hearing concerning this issue that pool passes will not be considered for reinstatement.

**M. ADJOURNMENT**

**MOTION:** (Nicolm Mahabir/Phil Suter) Adjourn the Board of Directors Meeting at 9:35 p.m.

**Vote:** Motion Passed - Unanimous