

**Fountain Hills Community Association
Board of Directors Meeting
August 7, 2014**

As Approved at the October 2, 2014 Board of Directors Meeting

Board Members Present: Niclom Mahabir, Vice President
Harry Matchett, Treasurer
Steven Muse, Director
Frank Walsh, Director

Board Members Absent: Jackie Arnold, President
Hari Donthi, Secretary

Others Present: Ruchita Patel, Property Manager
Annette Thrasher, Property Manager
Marylou Bono, Recording Secretary

Homeowners Present: Latasha Bell, 13395 Rushing Water Way
Thomas Brennan, 16002 Mediterranean Drive
Marlene Byard, 18709 Autumn Mist Drive
Sherry Lee, Lake Geneva Way
Robert Love, 18723 Autumn Mist Drive
Marco Mazzarino, 18721 Autumn Mist Drive
Andrew Riddle, 18701 Autumn Mist Drive
James Savery, 13605 Rising Sun Lane
Ashok Segu, 18629 Autumn Mist Drive
Tim Smith, 13327 Tivoli Fountain Court

Call to Order

The meeting was called to order at 7:30 pm by Vice President Nick Mahibir, after which he turned the meeting over to Management Agent Ruchita Patel to run.

Homeowner Forum

Ruchita Patel explained that Homeowner Forum would last for 30 minutes (until 8 pm), with 3 minutes being allotted per homeowner in order to allow the Board sufficient time to conduct business. If additional time for Homeowner Forum was required, it would resume at the end of the meeting until 9:30 pm.

Andrew Riddle thanked the Board for the work done to repair the broken fence boards. He discussed landscaping in the community, specifically the number of dry areas which are dirt and rocks with exposed tree roots. He feels that many homeowners do not take care of their yards and asked if the Enforcement Committee was addressing this. Ruchita Patel responded that the Landscaping Committee was developing a list of needed turf repairs throughout the community and that she would be obtaining proposals for this work. Going forward, this will be addressed every fall. She is working with the Enforcement Committee to streamline the enforcement procedures and an inspection is pending.

Marco Mazzarino also discussed landscaping issues. He suggested that more attention be paid to using native plants.

Robert Love commented on the difficulty of growing grass around overgrown pine trees. He feels that the landscapers are cutting the grass too short without irrigation resulting in bare spots and desert-like turf. He further expressed his opinion that he is against speed bumps and that dog stations are a waste of money.

Manjit Kaur raised questions and/or requested updates regarding the status of revising the community's legal documents, how the selection of legal counsel was being conducted, a limit on the number of residents per household who could serve on committees, streetlights, security signs, neighborhood watch, a timeline for landscaping projects, payments to the landscaping contractor, installation of a search button on the website, the Board vacancy and clarification that the individual who answers the emails sent to the Board of Directors email address through the website is the management agent.

Ruchita Patel advised that common practice would be to establish a Committee to address revisions to the bylaws. The Board interviewed three prospective legal firms and will likely vote for one tonight. They will also be discussing whether additional lighting in the community is warranted. Ruchita Patel and the Landscaping Committee are working on preparing a timeline for improvement projects. She requested Ms. Kaur to provide more information regarding the search button. The Board email account is also on tonight's agenda for discussion. The recent newsletter called for volunteers to establish a Neighborhood Watch Committee.

Steven Muse responded to a concern raised by a resident to confirm that some signs were down and had been vandalized near the Sparkling Water path. He will repair them when he has time to do so.

Marlene Byard expressed her appreciation for an informative and well put-together newsletter. She feels that the community's architectural guidelines are vague and that there are no provisions for emergency repairs resulting from severe weather. She would like to see the guidelines be revised to be more user-friendly. Ruchita Patel advised that updates to the guidelines would likely be focused on over the winter, as needed.

Sherry Lee reported that the wood chips in the tot lot at Lake Geneva Way wash into the parking lot after every rain. The trash can in the tot lot does not have a liner and has not been emptied for six months. Many neighbors use only plastic bags when they put their trash out for collection. Warnings had helped to clear this up previously but are needed again due to the proliferation of rats and mice near the wooded areas. She also mentioned that there were some vehicles stored in visitor spaces on Lake Geneva Way.

Sherry Lee advised that she would like to park a U-Haul on Lake Geneva Way on August 13-14, 2014. The Board approved her request and directed TMGA to contact G&G Towing to request that they not tow this vehicle.

Ruchita Patel advised that bids for wood carpet to be added to the tot lots have been requested. Building up the borders at this tot lot was being considered as she had also noted the problem with the chips washing out. A liner for the trash can will be ordered and she will contact the trash contractor regarding pick up from this trash can. A homeowner commented that residents bring their trash to one section of the common area rather than in front of their individual homes. Ruchita Patel will add an item to the next newsletter and targeted mailings will be sent regarding trash disposal procedures. If the issue persists, enforcement measures will be considered. She advised that she would investigate the stored vehicles if more information is provided.

Tim Smith also commented favorably on the recent newsletter. He noted that it is a struggle to find Committee members and that limiting membership to one resident per household was unacceptable.

Ashok Segu inquired about the inspection of tree roots on his property as well as guidelines regarding shutter replacement. He inquired as to what measures the Board was taking to prevent lawsuits in the future, what

the community's delinquency procedures were and what is being done to minimize the number of delinquent accounts and how changes to the bylaws could be addressed. Ruchita Patel responded that the ARC may need to work on a color chart for homes in the community. She advised that the Board could not develop a policy to prevent being sued, but could develop a dispute resolution policy. The community's delinquency procedures are being reviewed and the Board is scheduled to vote on the services of a collection attorney this evening. Marco Mazzarino advised Mr. Segu that he could try to match the color of his shutter as close as possible and that this would be acceptable to the ARC.

At 8:08 pm, Ruchita Patel advised that Homeowner Forum would be closed and discussion would now be limited to Board members.

Meeting Minutes

The Board reviewed the meeting minutes of the July 1, 2014 Board of Directors meeting. Frank Walsh and Nick Mahabir noted a number of corrections to be made. Frank Walsh requested that the Board be sent the draft minutes in Word format going forward. He also requested that motions be highlighted in the minutes.

MOTION: (Nick Mahabir/Frank Walsh) Accept the July 1, 2014 Board of Directors Meeting Minutes as revised by Frank Walsh and Nick Mahabir.

Vote: Motion Passed 2-0-2 (Harry Matchett and Steven Muse abstained)

Committee Reports

Architectural Review Committee (ARC) - Chair Marco Mazzarino suggested that homeowners submit any color questions to the ARC for review. If emergency repairs are required on a home, the homeowner can get in contact with the Committee for advice. If the item in question is being replaced with the same style, an application for approval could be submitted after the fact.

Per discussion at the last Board meeting, there is no legal requirement for the position of Board liaison. Ruchita Patel advised that Jackie Arnold wished to be removed as Board liaison to the ARC.

An architectural change request submitted by the owner of 13506 Champions Way was presented for approval. Marco Mazzarino recommended that this application to change the style of roof shingles be denied as all townhomes have the same style of shingles and the change would not be harmonious.

MOTION: (Nick Mahabir/Steven Muse) Deny the architectural change request to change the style of roof tiles.

Vote: Motion passed unanimously

Landscaping Committee - Harry Matchett commented that there was no Committee Chair and that the Terms of Reference stated that the Board should appoint one. It was recommended that the Committee choose a Chair and the Board would vote on the choice. He suggested that the Committee determine who the Chair should be. Marco Mazzarino reminded the Board that a previous tree survey that was done for the community. Ruchita Patel said that she will attempt to locate this survey.

Manjit Kaur reported that the Committee met on July 19th to conduct a survey of the community for turf renovation and tree removals/replacements. They divided the community into sections and provided their recommendations to Ruchita Patel. Manjit Kaur feels that the landscaping contractor is doing the bare minimum and needs to be better supervised. She suggested that an alternative be considered for growing grass in shady areas and that options be provided to remove tree roots. Discussion ensued regarding trees--

their blocking of streetlights, what should be replaced, what is County property, what is HOA property and the location of conservation areas.

Andrew Riddle volunteered to be a member of the Landscaping Committee.

MOTION: (Harry Matchett/Nick Mahabir) Approve the appointment of Andrew Riddle to the Landscaping Committee.

Vote: Motion passed unanimously

Social Committee - Chair Siu Poon was not in attendance. Ruchita Patel advised that the Committee had requested a budget of \$1,200 to fund the annual community picnic to be held on Saturday, August 30, 2014 from 12 noon to 4 pm at the pool.

MOTION: (Nick Mahabir/Harry Matchett) Approve a budget of \$1,200 for the annual community picnic on August 30, 2014.

Vote: Motion passed unanimously

Ruchita Patel advised that the Committee had requested a \$100 budget for a Community Clean-Up Day to be held on Saturday, October 4, 2014 from 10 am to 12 noon. Steven Muse stated that a budget for this had already been approved earlier in the year.

MOTION: (Nick Mahabir/Frank Walsh) Approve a budget of \$100 for the community clean-up day on October 4, 2014.

Vote: Motion passed 3-1 (Steven Muse voted against)

Steven Muse discussed plans to organize a pool party for dogs on the last day of the pool season. There would be a cost for lifeguards only for a 5 hour event and donations would be solicited for everything else. Nick Mahabir was against as the event provides preferred amenities to a few people and does not benefit the entire community. Frank Walsh was also against as the event used to be free and was not approved last year.

MOTION: (Steven Muse/Harry Matchett) Sponsor a community Pooch Pool Party

Vote: Motion Failed 1-2-1 (Nick Mahabir and Frank Wash against; Harry Matchett abstained)

Voting Items

Legal Services - Board members provided their thoughts on each of the legal firms who presented their credentials at the July 21, 2104 work session.

MOTION: (Frank Walsh/Nick Mahabir) Appoint Whiteford, Taylor & Preston to provide legal services to the Association.

Vote: Motion passed 2-1-1 (Steven Muse was opposed and Harry Matchett abstained)

Collection Attorney – Ruchita Patel explained the services of the proposed collection attorney firm, Andrews & Lawrence Professional Services. They would be retained by the Association on a mostly contingency basis to more aggressively collect on the community's delinquent assessment accounts.

MOTION: (Harry Matchett/Steven Muse) Appoint Andrews & Lawrence Professional Service as the Association's collection attorney.

Vote: Motion passed 3-0-1 (Frank Walsh abstained)

Audit Contract - Ruchita Patel advised the Board that no contract for audit and tax preparation services was currently in place. Of the several proposals received and reviewed, she recommended DeLeon & Stang based on their quality of work. Nick Mahabir was in favor of continuing to work with the current auditors, Goldklang Group, for another year. Frank Walsh concurred.

MOTION: (Nick Mahabir/Frank Walsh) Continue with the services of the Goldklang Group as auditors for the Association for an additional year.

Vote: Motion Passed 3-1-0 (Steven Muse voted in favor; Harry Matchett was against)

Lake Geneva Way Lighting Petition - Nick Mahabir introduced a petition for two additional streetlights on Lake Geneva Way due to instances of crime and some areas being very dark. Ruchita Patel advised that the landscaping improvements budget was \$10,000 and the miscellaneous improvements budget was \$1,000. She inquired if there had previously been discussion regarding how the installation of these streetlights would be funded.

Steven Muse noted that this issue had been addressed previously. He presented statistics from a police survey and noted that very few homeowners in the area use their porch lights or lanterns. He was against the Association providing lighting for specific areas when individual homeowners could be using their outside lighting. He also recommended pruning shrubs and trees in the area for better visibility.

MOTION: (Nick Mahabir/Harry Matchett) Table the lighting petition until the September meeting so that an electrician can recommend other potential solutions.

Vote: Motion Passed 3-0-1 (Steven Muse abstained)

Legal Invoices - The payment of the remaining legal service invoices from the Schild Law Group was discussed. Steven Muse commented that the Board was overcharged. Frank Walsh stated that this was not the Board's opinion, only Steven Muse's. Steven Muse recommended that the Association file a complaint with the State of Maryland Attorney Grievance Commission and that the invoices not be paid.

MOTION: (Nick Mahabir/Frank Walsh) Approve payment of the outstanding legal services invoices from the Schild Law Group. Discussion ensued regarding the continuances filed over a period of years to which the Board was obliged to respond.

Vote: Motion passed 2-1-1 (Steven Muse was opposed; Harry Matchett abstained)

MOTION: (Steven Muse) Approve filing a grievance with the Maryland Attorney Grievance Commission regarding alleged overcharging for legal services. The motion failed for lack of a second.

Recording Secretary Contract - Nick Mahabir noted that the contract with Ruth Ann Allen required 30 days' notice of termination in writing and said that this was not done. He was concerned that Ms. Allen may file a lawsuit for breach of contract.

Ruchita Patel stated that she had called Ms. Allen to notify her that her services were terminated. Harry Matchett advised that Ruchita Patel had sent an email as well. Ruchita Patel advised that if Ms. Allen were given a termination notice now, the Association would owe her for two months (July and August). She feels there is a low risk exposure to a lawsuit.

MOTION: (Nick Mahabir/Frank Walsh) Approve payment of 5 months' salary to Ms. Ruth Ann Allen.

Vote: Motion Failed 1-3-0 (Steven Muse, Harry Matchett and Frank Walsh opposed)

Adjournment

MOTION: (Harry Matchett/Steven Muse) Adjourn the Board of Directors meeting at 9:43 pm.

Vote: Motion passed unanimously

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

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