

Regular Meeting Fountain Hills Community Association, Inc. Minutes

February 2, 2006

The Board of Directors of the Fountain Hills Community Association, Inc. met for a regularly scheduled meeting at the Germantown UpCounty Center, Germantown, Maryland on February 2, 2006 at 7:30 p.m.

Present:

Ms. Susan Adamkiewicz
Ms. Jennifer Brill
Ms. Robin Kastenmayer
Mr. Tom McDowell
Ms. Siu Poon
Mr. William Renner
Mr. Frank Walsh

Others Present:

Mr. William D. Whitney, Community Manager
Mr. Craig F. Wilson, Vanguard Management
Ms. Rani Pellet, Recording Secretary
Several homeowners and residents

Absent:

I. CALL TO ORDER

Mr. McDowell, President, called the meeting to order at 7:30 p.m. with a quorum present.

II. HOMEOWNER FORUM

Mr. Castor Estrada, a resident who lives at 18835 Porterfield Way, said he was attending the meeting in order to discuss the fence behind his and Mr. Rivers' house. He does not want a fence built behind his house. He said that it is the individual's responsibility to take care of his property. He said if residents wanted to keep trespassers off their personal properties, they should build fences behind their own yards. Mr. Estrada said fencing the back will not look aesthetically pleasing, and he said that a fence of the type proposed would not protect the neighborhood.

Mr. Jason Perlman, a resident who lives at 18805 Porterfield Way said he was in favor of installing the fence.

Mr. Steven Sinni, a resident who lives at 18847 Porterfield Way said that he was in favor of installing the fence. He said it would also stop the casual vandalism by those who cut through the community.

Mr. Chris Herron, a resident who lives at 18833 Porterfield said he was in favor of installing the fence. Mr. Herron said that he has had his car egged and he has had bikes stolen out of his fenced in yard. He said the additional fence might serve as a deterrent to potential vandals.

Mr. Steven Muse, a resident who lives at 18804 Porterfield Way, said he would like to express why he does not want the fence. He asked how the fence would stop people from cutting behind the houses. Mr. Muse said he had contacted Montgomery County police to find out the number of complaints that had been registered on Porterfield. There were zero complaints. If it is a serious enough issue to put up a \$6,000 fence, Mr. Muse said, there have to be complaints sent to the police. Mr. Muse said that on paper Fountain Hills is the safest neighborhood in Germantown.

Mr. Clifford Gonsalves, a resident who lives at 18802 Porterfield Way, said he finds it justified to install a fence. He said that he has seen people trespassing behind his property, which adjoins the conservation area located between the Village and the Fountain Hills Condos.

1 Mr. Rick Morris, a resident who lives at 18908 Porterfield Way said he had spent several years in security.
2 He did not agree with the fence solution. He thinks some residents of the community want to live in a
3 gated community, which is not the case with any part of Fountain Hills.

4 Another resident who lives on Porterfield Way said he was disappointed with the Board's representation of
5 the community. He said he did not believe that the Board was representing the majority of the community,
6 and he added that he wants to have the fence installed.

7 At that time, a Board member pointed out that the fence would not benefit the entire community, nor would
8 it benefit the majority of the community, it would only benefit those residents who live on Porterfield.

9 Mr. German Garay, the original petitioner for the fence said that his concerns are for the security of the
10 community. He said he was also concerned about whoever is trespassing on his property.

11 Mr. Rivers, resident a long-time proponent of a fence, added he was in favor of the fence. He said that
12 residents who may or may not file a police report for minor crimes, do not feel safe. He believes that the
13 residents themselves have to identify the potential threats. He said that things are happening on the
14 periphery of the neighborhood, and he believes the fence would encourage people to stay out of the
15 neighborhood.

16 A resident who lives in the condos supported the Board's decision to not build the fence. He said that in
17 2005 there was no crime wave on Porterfield. He said it would behoove the Board to make an effort to see
18 if the entire community is in favor of this fence. He stressed that Fountain Hills is an open community, and
19 he also asked if the Board moved forward with the fence, would the Board have money in the budget for
20 this item?

21 One resident said that there has been some vandalism on the Lake Geneva side. Some teenagers tried 43
22 back doors. It was stressed that the proposed fence would not stop this type of activity from happening.

23 A Noble Oak resident attended the meeting briefly to indicate her support of residents who live on
24 Porterfield who would like a fence.

25 Ms. Brill said that the people in the Village homes are aware of what is going on in the community. She
26 said that only 46% of the homes surveyed want the fence and added that is not a majority of the residents
27 who live there.

28 Mr. Renner said he lives across from the storm water retention basin. He has never experienced vandalism.
29 Mr. Renner said that there was had been one reported instance of significant vandalism in the community
30 (the Village fountain), but it had been perpetrated by middle school children who actually live in the
31 Fountain Hills Community. He said that fence could not prevent this from happening, as these vandals are
32 not from outside Fountain Hills.

33 III. MANAGEMENT REPORT

34 A. Fence

35 Mr. Wilson has provided the Board with the correspondence regarding the fence. Vanguard
36 has also provided the Board with the cost estimates for the fence. Mr. Renner said that the
37 original petition had 3 components or areas that the residents were concerned about. They
38 were,

- 39 • Trash collecting in the storm water retention basin;
- 40 • Danger to pedestrians crossing Great Seneca Highway; and,
- 41 • Access to and vandalism with the community by non-residents.

42
43 Mr. Renner said he has inspected the storm water retention basin on several occasions, but
44 picked up only a few handfuls of trash during his walks there. He addressed the second

1 issue about people crossing Great Seneca Highway. As noted in the December Board
2 minutes, the Board has written to the State Highway Department requesting that the
3 Department look into the issue of pedestrian safety along Great Seneca Highway from
4 Dawson Farm Road to Clopper Road. Regarding access to the community, Mr. Renner said
5 he did not understand how a small fence could prevent teenagers or vandals from entering
6 the community. He noted that the fence could be jumped easily.

7 Mr. Renner said that the county would require unfettered access to that storm drain area for
8 maintenance. If the Board decides to put a fence there, there would have to be an unlocked
9 gate or gates in that location so the county could have access. Based on these findings, Mr.
10 Renner said that he could not find an appropriate location for the fence. In addition, at the
11 December Board meeting, the Board asked Mr. Garay and Mr. Rivers where a fence should
12 be placed to address their concerns and neither offered a suggestion as to placement of the
13 fence.

14 Ms. Adamkiewicz said she had gone to look at the area in question. Her concern was about
15 where the fence would be located so that it would be effective. She also was unsure about
16 what end points would anchor the fence. She asked those present exactly where the fence
17 should be placed. She said that those asking for the fence should also be giving the Board
18 some guidance about where the fence would be located.

19 Ms. Kastenmayer said she lives in the townhouses near Clopper Road. She noted that it is a
20 basic right to feel secure in one's own home. She noted that she has picked up beer bottles,
21 7-11 containers, Wendy's and other fast food wrappers near her home. She said that this is
22 part of living in an open community. She wants to know why the community should
23 subsidize installation of a fence in such a small area of the community.

24 Ms. Brill said she lives in the non-crime part of Porterfield. She does not think there is
25 money in the budget for this project. She wants to represent the community, but does not
26 know where the fence would start or stop. She continued that the fence would not solve the
27 problem. She stressed that Mr. Garay did a lot of work to come up with the data for the
28 fence, but added that the two areas that are identified by residents as 'problem' areas are
29 both areas that cannot be blocked off. The Board stressed that it does not wish any criminal
30 activity on the community however the Board does not believe a fence this will solve the
31 problem as it does not extend from Dawson Farm to Clopper.

32 Motion: To deny the recommendation for building a fence along Porterfield.
33 McDowell/Adamkiewicz Vote: 6:0:1. Mr. Walsh abstained.

34 **B. Minutes**

35 The Board reviewed the Board meeting minutes of the December and January meetings.

36 Motion: To accept the minutes of the December and January meeting minutes as amended.
37 Poon/Renner. 6:0:1. Mr. Walsh abstained. Ms. Kastenmayer abstained from voting for
38 January meeting minutes due to her absence.

39 **C. Landscaping Contract**

40 The final prices were even higher than previously quoted. The Board reviewed two
41 additional landscape bids. Chapel Valley had the lower price.

42 Action: Mr. Whitney will clarify the number of plants that were proposed, and see if Chapel
43 Valley thinks there are too many plants proposed in this area.

44 Motion: To increase the budgeted amount to meet the proposed amount Chapel Valley
45 recommended to \$10,557.82. Brill/Renner. 7:0:0.

1 There was some discussion.

2 Ms. Kastenmayer said that the amount of the contract had been increased by \$3,000 over the
3 original bid. She wanted to know if this is a wise investment for Mediterranean Lane and
4 Lone Star Lane. The Board noted it would be able to see if the product is acceptable in 6
5 months. Ms. Kastenmayer said she would like to do only one entrance way.

6 The Board discussed the costs of completing only one entranceway at a time. The cost of
7 Mediterranean will be \$7,900. Little Star Lane is gong to be \$6,700. The plants from Little
8 Star will be removed completely and put along Clopper towards Great Seneca. Chapel Valley
9 will then totally re-landscape the entrance. Ms. Adamkiewicz said that she liked the idea of
10 doing both entrances because they are the first impression one has of the community. It was
11 decided that there would be greater impact if two entrances were done at one time.

12 Mr. Walsh asked if the funds for this project would be taken from operating funds. They will
13 be. Ms. Brill expressed some concerns about who decided what plants will be put into the
14 area. It was decided that the landscaping committee chose this.

15 **D. Web Master**

16 The web master, Rick Morris, informed the Board that he had received some text from
17 Vanguard Management regarding proposed Maryland legislation to regulate ham radio
18 antennas. This will be posted on the website for residents' information.

19 Action: Mr. Wilson will provide the language to the web master regarding the ham radio.

20 **E. Condominium Association**

21 Mr. Walsh reported that there had been no official December meeting because of poor
22 weather. Those present however had discussed the rental issues in the condos. There were
23 also concerns expressed about trash and the rental units, real estate signs and pool passes.

24 **F. Social Committee**

25 There was no report at this time.

26 **G. Pool Committee**

27 It was noted that the sprinkler lines have been blown out, and the pool has been winterized.
28 No action was required at the meeting.

29 Ms. Adamkiewicz nominated Ms. Alice Kalamar to the pool committee and Ms. Kalamar
30 accepted this appointment. An email link to Ms. Kalamar will be added to the Aquatic
31 Center section of the web site.

32 **H. Pool Pass Distribution**

33 The Association has received a written opinion from legal council regarding the pool pass
34 distribution. The Board cannot suspend the pool passes for any condominium owners
35 because the pool payment is paid in a lump sum to the Board.

36 The Board discussed its options regarding the pool passes and providing them to the
37 Condominiums. The Fountain Hills Board can provide the passes to the Condo Board.
38 Then the Condo Board can give pool passes to those who are current on their payments.
39 Another option is for the condominium owners to pay a direct fee to the Fountain Hills
40 Association. If this happens, the condo owners would be making two HOA payments.
41 Fountain Hills would need to receive a direct payment for pool usage.

1 Motion: To accept the legal council's opinion to not withhold pool passes to the condominiums
2 as fees are paid directly by the condominiums. McDowell/Renner. 6:0:1. Mr. Walsh
3 abstained.

4 **I. Survey**

5 Mr. Whitney said that the area by the park belongs to the Association. The Board discussed
6 whether or not to create additional parking spaces along Fountain Club Drive. This way
7 non-condominium residents could also park in that location. There are currently two four-
8 space areas. The condominium owns the spaces in front of their building. The Fountain
9 Hills HOA owns the spaces along the park. The objective would be to restrict parking in
10 front of the condominiums to condo residents only. The rest of the areas would be
11 available for other residents to use.

12 Motion: To recommend that the Condominium Board clarify the areas that are for
13 condominium residents parking only by using signs with directional arrows. The
14 Fountain Hills Board indicated its willingness to offer to pay for the signs as designed
15 by the Condominium Board. Kastenmayer/Renner. 6:0:1. Mr. Walsh abstained.

16 Action: Vanguard will forward a copy of the parking survey to the Board.

17 **J. Architectural Change Requests**

18 • Resident Rajesh Seema Dhingra who lives at 19000 Noble Oak Drive requested
19 permission to build a deck on the back of his house.

20 Motion: To accept the request for wooden deck or wood-like deck. Railing will be 3 feet high.
21 Poon/Renner. Unanimous.

22 • Resident Rajesh Seema Dhingra who lives at 19000 Noble Oak Drive requested
23 permission to build a fence. This resident requested a 4-foot deck plus one additional
24 foot of lattice on the top of the fence.

25 Motion: To approve the request for a rear yard fence made of a natural wood color with the 1-
26 foot lattice on top of the 4' fence. Poon/Renner. 6:0:1.

27 • Resident Quassis, who lives at 18942 Fountain Hills Drive, submitted a request for a
28 deck.

29 Motion: To accept the request for a deck. Poon/McDowell. Vote: 7:0:0.

30 Action: It was noted that there is a blueprint of a hot tub on the architectural request, but that
31 hot tub has to be approved separately. This is for a deck only.

32 **K. Security**

33 Mr. Muse said he had some information regarding area crime that he would like to put up
34 on the website. The Board said it would consider this request, but at this time, the issue
35 was tabled.

36 **L. Trash Corral (Rushing Water Way)**

37 At a previous meeting, the Fountain Hills Board had asked Mr. Whitehouse if he could ask
38 the condominium Board if it would be interested in having a sign put up near the trash
39 corral that indicates the trash corral is for Rushing Water Way condominium residents only.
40 Mr. Whitehouse has said that the condominium would like to have that sign. Mr.
41 Whitehouse had also requested that the Fountain Hills Board send a letter to the townhouse
42 owners saying they should not use the trash enclosure, and ask all residents to report any
43 illegal dumping.

1 Motion: That the Board order the sign for the trash corral on Rushing Water Way. Vanguard
2 will send a letter to the residents of that section of Fountain Hills (both condo and
3 townhouse residents) reminding them that the trash corral is for condominium residents
4 only, and that all residents of the area need to report dumping. Renner/Poon. Vote:
5 7:0:0.

6 **M. Draft 2007 budget**

7 The draft of the 2007 budget was forwarded to the Board.

8 Action: Find out what the legal costs will be that are associated with the handing over of the
9 storm water management pond to the County.

10 **IV. NEW BUSINESS**

11 **A. Tree**

12 It was determined that a street tree was missing from the original list of replacement trees.
13 The Board reviewed a proposal to replace the tree. The cost of replacement would be
14 \$621.00. Replacement of this tree completes the original list of replacement trees.

15 Motion: Accept the bid from Chapel Valley to replace the tree for \$621.00. Kastenmayer/Brill
16 Vote: 7:0:0.

17 **B. Parking**

18 Motion: To send out a letter to the residents of Fountain Hills Condominium that the Board
19 will be clarifying parking signs near the park and condominium area.
20 Walsh/McDowell. Unanimous.

21 **C. Trash Corral**

22 Action: Mr. Whitney will send a letter to the residents regarding the trash corral.

23 **D. Correspondence**

24 The Board received a complaint letter regarding lighting. The concern was that a light was
25 shining in a neighbor's yard. Mr. Whitney emphasized that the rules indicate lights need to
26 shine within the owner's property. The owner stated that the wattage is well within the
27 amount allowed.

28 **E. Ladder**

29 The ladder is still being stored inappropriately.

30 Action: Board will send a letter that indicates the ladder needs to be removed, or the
31 homeowner will be assessed a fine.

32 **V. ADJOURNMENT**

33 There being no additional business to conduct at this meeting, the Board meeting adjourned at 9:35 p.m.

34 Motion: To adjourn the meeting at 9:35 p.m. Renner/Adamkiewicz. Vote: Unanimous.

35 Respectfully Submitted,

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37 Rani Pellet
38 Minute Taker

Regular Meeting Motion List February 2, 2006

6 1: To deny the recommendation for building a fence along Porterfield. Vote: 6:0:1. Mr.
7 Walsh abstained.

8 2: To accept the minutes of the December and January meeting minutes as amended.
9 Poon/Renner. 6:0:1. Mr. Walsh abstained.

10 3: To increase the budgeted amount to meet the proposed amount Chapel Valley
11 recommended to \$10,557.82. Brill/Renner. 7:0:1. Mr. Walsh abstained.

12 4: To accept the legal council's opinion to not withhold pool passes to the condominiums
13 as fees are paid directly by the condominiums. McDowell/Renner. 6:0:1. Mr. Walsh
14 abstained.

15 5: To recommend that the Condominium Board clarify the areas that are for
16 condominium residents parking only by using signs with directional arrows. The
17 Fountain Hills Board indicated its willingness to offer to pay for the signs as designed
18 by the Condominium Board. Kastenmayer/Renner. 6:0:1. Mr. Walsh abstained.

19 6: To accept Mr. Dhingra's request for wooden deck or wood-like deck. Railing will be 3
20 feet high. Poon/Renner. Unanimous.

21 7: To approve the request by Quassis for a rear yard fence made of a natural wood color
22 with the 1-foot lattice on top of the 4' fence. Poon/Renner. 6:0:1.

23 8: To accept the request by Quassis for a deck. Poon/McDowell. Vote: 7:0:0.

24 9: That the Board order the sign for the trash corral on Rushing Water Way. Vanguard
25 will send a letter to the residents of that section of Fountain Hills (both condo and
26 townhouse residents) reminding them that the trash corral is for condominium residents
27 only, and that all residents of the area need to report dumping. Renner/Poon. Vote:
28 7:0:0.

29 10: Accept the bid from Chapel Valley to replace the tree for \$621.00. Kastenmayer/Brill
30 Vote: 7:0:0.

31 11: To send out a letter to the residents of Fountain Hills that the Board will be working on
32 adding some parking spaces near the park and condominium area. Walsh/McDowell.
33 Unanimous.

34 12: To adjourn the meeting at 9:35 p.m. Renner/Adamkiewicz. Vote: Unanimous.

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Regular Meeting Action List February 2, 2006

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9 1: Mr. Whitney will clarify the number of plants that were proposed, and see if Chapel
0 Valley thinks there are too many plants proposed in this area.

11 2: Mr. Wilson will provide the language to the web master regarding the ham radio.

12 3: Vanguard will forward a copy of the parking survey to the Board.

13 4: It was noted that there is a blueprint of a hot tub on the architectural request, but that
14 hot tub has to be approved separately. This is for a deck only.

15 5: Find out what the legal costs will be that are associated with the handing over of the
16 storm water management pond to the County.

17 6: Board will send a letter that indicates the ladder needs to be removed, or the
18 homeowner will be assessed a fine.

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