

**Corrected as approved on August 2, 2012**

**Fountain Hills Community Association  
Board of Directors Meeting  
July 5, 2012**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the UpCounty Center on Thursday, July 5, 2012 at 7:30 p.m.

**Board Members Present:**

Phil Suter, President  
Nicolm Mahabir, Vice President  
Frank Walsh, Secretary  
Sue Adamkiewicz, Director  
Tom Brennan, Director  
Siu Poon, Director

**Also Present:**

Stephon Collins, Community Manager  
Ruth Ann Allen, Recording Secretary

**Board Member Absent:**

Danial Magid, Treasurer

**Homeowners Present:**

Dave and Margie Powell, 18747 Harmony Woods Lane  
Harry Matchett, 13220 Lake Geneva Way, Enforcement Committee Chair

**Contractor Representatives:**

Mike Holt, RSV Pools, Inc.

**A. CALL TO ORDER**

The July Board of Directors Meeting was called to order by Phil Suter at 7:32 p.m.

**B. MINUTES**

1. June 7, 2012 Board of Directors Meeting Minutes

**MOTION:** (Phil Suter/Tom Brennan) Accept the June 7, 2012 Board of Director Meeting Minutes as edited.

**Vote:** Motion Passed - Unanimous

**C. DIRECTORS AND OFFICERS REPORTS**

1. Resident Comments

Phil Suter reported on resident comments that had been received through emails from homeowners concerning the lack of parking, trees that had not been pruned from houses, as well as a request for additional time to repair lawn.

Mr. Suter inquired of Management if the seal coating had to be repaired due to a few individuals driving over it before it was fully cured. Management stated that the seal coating was not damaged and does not need to be repaired.

3. Niclom Mahabir mentioned that a taxi cab has been parking on Champions Way for several months, and it has not been towed. It was also noted that there are several other commercial vehicles that are parking in the community. Management stated that the Board can begin implementing tow notices. Management will order two (2) tow notice booklets for use by Board members. These tow notices are strictly for Fountain Hills HOA. The tow notices give the owner of the vehicle forty-eight (48) hours to move the vehicle before it is towed. Vehicles that are parked in fire lanes can be towed immediately.

#### **D. RSV POOLS**

Mike Holt, RSV Pools, reported to the Board on pool operations. Mr. Holt reported that the pool had passed the first inspection. The pool was closed on June 30<sup>th</sup> July 1<sup>st</sup> due to the power outage in the area. Mr. Holt stated that temporary pool passes had been given to those residents who were not able to pick up their pool passes at the distribution on Saturday when the pool was closed.

It was noted that the drinking fountains have not yet been repaired. Management stated that Gaithersburg Plumbing is waiting for parts to fix the drinking fountains. Gaithersburg Plumbing has stated that the damage to the drinking fountains is due to not being properly winterized. Management feels that the pool company should be responsible for the cost of the repairs to the drinking fountains.

Niclom Mahabir inquired if there have been any issues with the staff at the pool. Mr. Holt stated that the staff is working well and the internationals seem to be more comfortable speaking English. Mr. Mahabir did note that the pool area looks better.

Frank Walsh inquired if Lindsay, Pool Manager, would continue to email updates to the Board. Mr. Holt stated that this is a new policy and it will continue. Mr. Walsh also inquired if RSV had a key to the gate and if there have been any additional problems with the trash not being picked up. Management reported that those issues have been addressed.

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

##### **1. Landscape Committee**

It was reported that Frank Walsh and Phil Suter walked with Andy Morton of ValleyCrest to talk about the entrance beds. Some of the transplanted plants are wilting and some beds need additional plantings, but it is not a good time of year to install new plants, so these beds will be re-evaluated in the Fall.

Mr. Walsh inquired if ValleyCrest had been watering plants after the big storm. Management will check on this matter.

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Nicolm Mahabir walked the community with Management, the General Manager of ValleyCrest, and Andy Morton of ValleyCrest. Mr. Mahabir pointed out areas that have not been taken care of by ValleyCrest.

Mr. Mahabir stated to the Board that items that should have been taken care of in April or May were not completed until recently and it often takes a considerable amount of time for ValleyCrest to complete a project.

Tom Brennan mentioned that the grass in his yard is uneven. The yard is cut with a weed whacker instead of a push mower. Mr. Brennan stated that ValleyCrest made a good sales pitch but has been unable to execute what they promised. Phil Suter mentioned that he has been pleased with the grounds maintenance in his neighborhood. Mr. Brennan requested that Management ask ValleyCrest to flip the areas that are done first and last to see if this changes the look of the ground maintenance in those areas.

The Board discussed whether to consider giving ValleyCrest a thirty (30) day notice or let them finish the contract for the year. Management stated that if the Board considers terminating the contract, it should end after the summer.

**2. Social Committee**

Siu Poon reported that she and Mr. Mahabir met for an initial planning meeting for the community picnic. The Social Committee is proposing a date of September 22, 2012 from noon to 4:00 p.m. Ms. Poon requested that the flier asking for volunteers for the Social Committee be placed on the website.

**3. Enforcement Committee**

Harry Matchett, Chair of the Enforcement Committee, stated that there was nothing to report.

It was noted that Mr. Muse had previously stated that his participation on the Enforcement Committee would be reduced, and Mr. Matchett has not received any reports from Mr. McBeth concerning violations.

**F. HOMEOWNERS OPEN FORUM**

1. Dave and Margie Powell, 18747 Harmony Woods Lane, stated that they had contacted Management about one (1) year ago concerning a dead tree near their property, and they have never heard back. Mr. Powell wants to know whose property the dead tree is on and what plans there are for the tree. Management stated that the tree is probably located on common property of the community. Currently, tree work in the community is being done in sections, and this tree will be looked at when that area is evaluated for tree work.

Mr. Powell stated that there are ten to twelve (10-12) dead trees behind the townhouses on Harmony Woods Lane. It was noted that this is probably a conservation area and belongs to the County. Management will check on this matter.

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Mr. Powell noted that there are many kids are driving on the street on ATVs and asked if it would be possible to place a notice on the website that this is dangerous. The Board stated that if Management is provided with an address, a violation letter can be sent concerning the use of ATVs in the community.

Mr. Powell inquired about the Harmony Woods parking issue. The Board stated that the towing had been stopped after three months, but it can be started again if needed. The Board noted that towing can still occur between 2:00 a.m. and 9:00 a.m. for parking violations.

Mr. Powell noted that he had to pay to have a form filled out for refinancing his house. Mr. Powell inquired why Management could not provide this service. The Board stated that they will inquire of Craig Wilson, Vanguard Management, why this is done.

2. Tom Brennan noted that grass seed was never put down after the concrete was done. Management stated that they will walk through the community with the concrete company to check the areas that have not been fixed following the concrete work.

## G. MANAGEMENT REPORT

### 1. Enforcement Committee Draft Terms of Reference

Management stated that the draft Terms of Reference for the Enforcement Committee were created in 2009, but the draft was never approved. Phil Suter edited the Terms of Reference to place in the standard language from other committee's Terms of Reference and merged the document with the existing Enforcement Inspection Procedure to create a single stand-alone document for the Enforcement Committee.

**MOTION:** (Phil Suter/Tom Brennan) Adopt the Enforcement Committee Terms of Reference as edited.

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

### 2. Resignation of Chair of Enforcement Committee

Harry Matchett, Chair of the Enforcement Committee, submitted his resignation as Chair of the Enforcement Committee. Mr. Matchett is willing to continue as a member of the committee. It was suggested that more people need to be solicited to help on the Enforcement Committee.

**MOTION:** (Nicolm Mahabir/Phil Suter) Dismantle the Enforcement Committee.

The Board can act as the Enforcement Committee until the vacancies are filled.

**The Motion was withdrawn.**

**MOTION:** (Tom Brennan/Nicolm Mahabir) Discharge Steven Muse and Vernard McBeth as member of the Enforcement Committee, effective immediately.

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

As Board Liaison, Danial Magid, will be the acting Chair of the Enforcement

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Committee and the Committee will have one (1) vacancy.

**3. Uncashed Check**

At the start of the pool season, Management was given checks from homeowners for replacement of lost pool passes. Included in these checks was a check dated from August 2011. Management inquired of the Board if Management should deposit this check.

**MOTION:** (Phil Suter/Tom Brennan) Don't cash the check for \$40.00 for four (4) guest passes dated from August 7, 2011 and send a letter to the homeowner explaining why.

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

The Board discussed why the replacement cost for pool passes was high. It was noted that the price for replacement passes was set by the previous Board and it is set high as a deterrent so residents don't "lose" pool passes to transfer replacement pool passes to non-residents.

**4. Request for Waiver of Late Fee for 13525 Hamlet Square Court**

The homeowner of 13525 Hamlet Square Court requested a waiver of the \$5.00 late fee assessed to the account in May 2012.

**MOTION:** (Siu Poon/Phil Suter) Waive the \$5.00 late fee as a one-time courtesy.

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

**5. Request for Waiver of NOI Fee for 13245 Autumn Mist Circle**

The homeowner of 13245 Autumn Mist Circle requested a waiver of the \$45.00 Notice of Intent Fee imposed on the homeowner for delinquency.

**MOTION:** (Nicolm Mahabir/Phil Suter) Deny the waiver of the \$45.00 Notice of Intent Fee for 13245 Autumn Mist Circle as it is a hard cost to the Association.

**Vote:** Motion Passed - Unanimous

**6. Request for Appeal on Decision of Towing Fee for 18631 Autumn Mist Circle**

The tenant at 18631 Autumn Mist Drive requested that the Board reconsider their decision to deny the request for reimbursement of the towing fee for a vehicle that was towed from the Condominium's parking lot during the seal coating process.

**MOTION:** (Nicolm Mahabir/Phil Suter) Deny the appeal for reimbursement of the \$386.00 towing charge assessed to the tenant of 18631 Autumn Mist Drive.

**Vote:** Motion Passed - Unanimous

The Board requested that Management include in the letter to the tenant that the tenant has the right to a Hearing with the Board concerning this issue.

**H. UNFINISHED BUSINESS**

**1. Speed Control Devices**

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Management stated that the risk assessment was not done by the insurance company as the insurance company does not perform this service any more.

Management received a proposal from O'Leary's Asphalt for ten (10) additional "STOP" signs with posts and painting of twenty-nine (29) stop lines for a cost of \$2,700.00 along with the replacement of the one (1) worn down speed hump for \$1,150.00.

The Board discussed the options of speed humps versus speed bumps. Management stated that speed bumps are more effective as they are higher, but they also have to be replaced more often due to snow removal equipment. The installation of stop signs and lines is for the townhouse sections of the community as the single-family homes are on County streets. Management noted that stop lines could be added to the exit of the alleyways behind the single family homes.

The Board agreed to move forward with this action and requested that Management obtain more bids and ask O'Leary's Asphalt for a discount as they have done a lot of work in the community recently.

**2. Hearing for 13510 Rising Sun Lane**

Management stated that the homeowner was out of town for the July Board meeting so the Hearing has been rescheduled for the August Board Meeting.

**3. Concrete Repairs**

At the June Board Meeting, Theresa Williams of 18729 Harmony Woods Lane requested that the Association look into a trip hazard at the end of the driveway following the concrete repairs in that area. Over the years, the concrete on the driveway and sidewalk had sunk at the same rate, creating a trip hazard due to uneven sidewalks. The driveways are part of the resident's property and residents are responsible for maintaining them, whereas the HOA is responsible for maintaining the sidewalks. The sidewalks were repaired back to the original specifications which created a difference in height with the existing sunken driveway. The area was checked by Management and Phil Suter and they reported that there was a small difference in height of the concrete, but they did not consider the gap to be that big. The Board agreed that the gap did not need to be fixed and Management has sent a letter to the homeowner that the Association would not be fixing the gap.

**4. Car Repair**

Management received a photo of a tow truck with a vehicle loaded onto it by 13318 Rising Sun Lane. This residence was previously cited for performing vehicle repairs in the driveway and for stains on the driveway, apron and sidewalk. It was noted that the flatbed tow truck is usually not seen in this area and there is not documentation

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that it was associated with 13318 Rising Sun Lane. It was noted that the repairs to vehicles in the driveway has lessened, but the stains have not been removed.

The Board inquired if the homeowner has been fined up to the maximum of \$500.00 for not removing the stains. Management will check and if the fines have reached \$500.00 will request that the homeowner come to a Hearing if the stains have not been removed.

## **I. NEW BUSINESS**

### **1. Drinking Fountain Repairs at the Pool**

Gaithersburg Plumbing has stated that the repairs needed to the drinking fountains at the pool are due to the drinking fountains not being properly winterized. Management feels that the cost of repairing the drinking fountains should be covered by RSV Pools. RSV Pools states that the drinking fountains were properly winterized. It was suggested that the cost to repair the drinking fountains could be deducted from the monies owed RSV by Fountain Hills HOA. Management will continue to work on this matter.

### **2. Adopt a Highway**

Tom Brennan suggested that Fountain Hills HOA take responsibility for cleaning up the section of Great Seneca Highway between Dawson Farm Road and Clopper Road. Mr. Brennan stated that this could possibly be a way to provide community service hours for students. Management will look into the rules for adopting a highway and if the clean-up could be used for student community service hours. Niclom Mahabir stated that he thought the landscaper was responsible for cleaning up this area.

### **3. Delinquencies of Condominium Homeowners**

Tom Brennan noted that the delinquency rate is high in the Condominiums. Mr. Brennan questioned whether the assessments from the Condominiums to the Association are reasonable or necessary, as they basically only pay for the use of the pool. Mr. Brennan asked if a flat fee for the use of the pool would be a better way to handle this situation. Mr. Suter stated that in addition to the pool, the HOA maintains the grass cutting, landscaping, doggy station, and the fountain on the common area adjacent to the Condominiums, the tot lot on Fountain Club Drive adjacent to the Condominiums, and the landscaping and entrance along Great Seneca Highway adjacent to the Condominiums, which are all included in the Condominium assessment. But the question is it really fair was still raised as the Condominiums pay again for their own landscaping, snow removal, social events website, maintains their own roads, parking lots and concrete. Mr. Walsh stated this has been an ongoing issue of do the Condominiums get what they pay for.

### **4. Monument Sign Removal**

Management stated that they are waiting for the handyman to clear up space (for

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free) to store the top of the monument sign by the pool after it is removed.

**J. ADJOURNMENT**

**MOTION:** (Siu Poon/Phil Suter) Adjourn the Board of Directors Meeting at 9:24 p.m.

**Vote:** Motion passed - Unanimous