

Fountain Hills Community Association

Annual Meeting

November 1, 2018

The Fountain Hills Community Association held the 2018 Annual Meeting at the Germantown Regional Services Center on Thursday, November 1, 2018.

Board Members (2018) Present:

Harry Matchett, President
Sherry Lee, Vice President
JoAnn Windsor, Treasurer
Frank Walsh, Secretary
Nikole Aguilera, Director
Chris Summers, Director

Also Present:

Jose Ponton, Community Manager
Marcy Grove, Assistant Community Manager
Richard Allen, Recording Secretary

Homeowners Present:

Jon Conary, 18605 and 18614 Little Star Lane
Robert Fabiszak, 18931 Porterfield Way
Sheila Fergus, 13307 Rushing Water Way
Feng Gao, 13209 Scarlet Mist Way
Linda Hammond-Deckard, 18815 Porterfield Way
Darren Hushour, 18805 Sparkling Water Drive, Unit D
Barbara Hawes, 18715 Sparkling Water Drive, Unit 201
David Holtzman, 18715 Sparkling Water Drive, Unit 302
Theodora Godwin, 13305 Rushing Water Way
Angelo Guarino, 18600 Little Star Lane
Wenhai Liu, 18615 Autumn Mist Drive
Nicolm Mahabir, 19009 Mediterranean Drive
Nikki Miller, 18725 Harmony Woods Lane
Kevin Miller, 18819 Lake Place Lane
Siu Poon, 19020 Noble Oak Drive
Steven Muse, 18804 Porterfield Way

A. CALL TO ORDER

The 2018 Annual Meeting was called to order by Harry Matchett at 7:31 p.m.

B. ROLL CALL AND CERTIFICATION OF PROXIES

Management reported that the quorum for the Annual Meeting is at least 10% of the membership, or 88 members and that 154 members were represented in person (28) or by proxy (126); thus, a quorum was achieved.

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C. PROOF OF NOTICE OF MEETING

Management stated that the Notification of the 2018 Annual Meeting was sent to homeowners, proof of which could be seen by the number of homeowners who were present in person or had provided a proxy.

D. MINUTES

1. November 2, 2017 Annual Meeting Minutes
MOTION: (Harry Matchett/JoAnn Windsor) Accept the November 2, 2017 Annual Meeting Minutes with corrections.
VOTE: Motion Passed – 15 ayes/2 nays/0 abstention

E. OFFICER REPORTS

1. President

President Matchett reported that the \$50,000.00 that a previous Board had borrowed from the reserve fund had been repaid in full as of June 30, 2018. Mr. Matchett noted that this repayment had been achieved without the Board having to go to homeowners with a special assessment. A homeowner asked about the reserve funds and Mr. Matchett noted that there are actually three reserve funds, covering different areas of the Community and totaling approximately \$1,300,000.00.

2. Vice President

Vice President Lee noted the struggle over the past several years to repay the reserves; however, the next Board can begin looking at improvements that can be made to the Community.

3. Treasurer

Treasurer Windsor noted that the Association continues to have issues with bad debt. Mr. Matchett noted that for a time, old accounts were not being actively pursued, but this past year a separate account was established to track costs associated with the collection of debt and the income achieved from such collections. Mr. Matchett noted that the account was seeded with \$5,000.00 to cover initial collection expenses and, as of the end of September, there was approximately \$20,000.00 in the account.

F. APPOINTMENT OF INSPECTORS

President Matchett asked for three volunteers among homeowners not standing for election to serve as Inspectors. Siu Poon, Linda Hammond-Deckard, and Darren Hushour volunteered.

MOTION: (Harry Matchett/Sherry Lee) Appoint Siu Poon, Linda Hammond-Deckard, and Darren Hushour as Inspectors for the election of members of the Board of Directors.

VOTE: Motion Passed – Unanimous

G. NOMINATIONS FROM THE FLOOR

Theodora Godwin nominated Bryan Schwan, 13313 Rushing Water Way, for Director. With no additional nominations received, Harry Matchett closed nominations from the floor.

H. SLATE OF CANDIDATES

The slate of candidates was announced as:

Submission of Candidate Questionnaires:

Robert Fabiszak

Sherry Lee

Wenhai Liu

Harry Matchett

Kevin Miller

Frank Walsh

JoAnn Windsor

Nominated from the floor:

Bryan Schwan (not in attendance)

I. CANDIDATE STATEMENTS

The candidates present were each asked to briefly introduce themselves and their goals for serving on the Board, after which ballots were collected and given to the inspectors to count. Board President Matchett noted that new Board members are required by Montgomery County to take on-line training. He encouraged non-Board residents to take this training as well. The Board noted that each time the course is taken, the person taking the training must use a different email address from any previous time the course was taken.

1. Robert Fabiszak is an original homeowner. He noted that although he doesn't have experience on a homeowner association Board, he has experience as co-treasurer of the Franciscan Center in Baltimore. He noted that he is now retired; before he retired, he worked as a management consultant for eighteen (18) years. He stated that he is interested in budget or finance issues while serving on the Board.
2. Sherry Lee has been involved on the Board for five (5) years. She stated that it has been an adventure and that it has been good to get out in the Community and that through her service, she has gotten to know about eighty percent (80%) of the residents of the Community. She noted that there are a lot of challenges involved in staying within budget.
3. Wenhai Liu is a new homeowner, having moved into the Community in September. He is originally from China and studied in Japan. He is a Ph.D. scientist, involved in cancer research. Although he has little relevant experience, he is interested in learning. He lives in a townhouse on Autumn Mist Circle.
4. Harry Matchett lives in the townhouse section and has been on the Board for six (6) years. He finds service to be challenging, as there are a lot of needs in the Community, and the Board needs to make difficult decisions. He encouraged all homeowners to go to IKO and review the finances of the community.

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5. Kevin Miller has lived in the area for five (5) years, off Lake Placid Drive. He plans to live in the area for a while. He works in IT for a Federal Agency and has three (3) children, ages 7, 4, and 2.
6. Frank Walsh stated that he has been on the Board for way too long. He is happy to run and serve and represent the Condominium and the HOA.
7. JoAnn Windsor has been on the Board for two (2) years. She is an original homeowner, having lived in the Community for eighteen (18) years. She stated that the Board makes decisions in the best interest of the Community. She noted that serving on the Board does not simply involve attending meetings and voting but requires studying the needs of the community to decide how to vote.

J. HOMEOWNERS FORUM

1. David Holtzman stated that he has been a resident of the Community for seventeen (17) years. He thanked the current Board members and all of the candidates for their willingness to serve. Mr. Holtzman stated that, in his role as President of the Condominium Board, he has heard from residents of the Condominium that when they have gone to the HOA Board or their Community Manager with concerns that they have felt their concerns were not addressed respectfully. He noted that serving on a board is an honor and privilege and that all residents of the community should be certain that they are being treated fairly and that the Board isn't favoring one area of the Community over another. Mr. Holtzman also stated his concern that garbage, in particular bulk trash, is finding its way into the Condominium from residents of other areas of FHCA.
2. Chris Summers stated his concerns about erosion of the green space behind his house, which is leading to mud collecting on the sidewalk beside his house. Mr. Summers also noted his concern that the fountains still have not been repaired. He stated that he had repeatedly asked the Board to repair them, even offering to personally pay for the repairs, which the Board refused. He also noted that he had offered to personally pay for installation of pet waste stations, and the Board had not accepted this offer, either.
3. Feng Gao, 13209 Scarlet Mist Way, stated her concerns about erosion in the common area in front of his house, reporting that there is no grass in this area.
4. Nikki Miller, Harmony Woods Lane, noted her concern about poor communication between the Fountain Hills Association and the Town of Chestnut Oaks. She has lived on Harmony Woods Lane for four (4) years and reminded the Board that Fountain Hills residents on this cul-de-sac totally rely on this other Association's road to access their homes. She also noted that there have been repeated issues with trash and parking, although she noted that she appreciates that the Association has been towing improperly parked vehicles. She asked the Board to ensure that the Fountain Hills portion of the road is cleared of snow in a timely fashion.

The Board noted that they recently hired a new towing company and that they have notified the Town of Chestnut Oaks management company of issues.

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Ms. Miller asked if residents of Harmony Woods Lane could help; the Board suggested that they contact the other management company with their concerns and offered to provide contact information.

5. Nick Mahabir, 19009 Mediterranean Drive, stated that he has lived in the Community for many years and has also served on the Board. He stated that none of the issues that he raised at the 2017 Annual Meeting have been addressed. He stated his distress at seeing the deterioration of the Community. His view is that the Board is collecting dues, but not serving the Community. He noted that there is poor landscaping; the lights are not working in the fountains; the stop signs are faded; parking lots have broken glass, sand, and mud; the tot lot in his neighborhood no longer has a fence; and the house behind his hasn't had siding for the past nine (9) months.

The Board noted that this last issue is being addressed, but the homeowner has had issues with their insurance company.

Mr. Mahabir stated that he knows what it is like to send letter after letter to the Board but receive no response. He stated that the Board should not feel that they are the masters. He encouraged the new Board members to become familiar with the Bylaws and Robert's Rules of Order. He also encouraged the new Board not to vote in blocks.

Mr. Mahabir stated that he would grade the current Board's performance as a "D."

6. Barbara Hawes, Sparkling Water Drive, stated that she found it disconcerting to hear these concerns. She stated that she frequently walks around the neighborhood and observes a lot of areas with poor landscaping and lots of bare spots. She stated that the Board should recognize the importance of responding to homeowners.
7. Jon Conary owns two properties on Little Star Lane and he noted that he appreciates that the Board has rebuilt the reserves. He asked if the snow removal contract for the 2018/2019 season was in place.

The Board noted that they usually don't approve the new contract until the December meeting. This is due to the fact that the contractor for snow removal is typically the same as the landscape contractor. The Board's experience has been, if they end up switching to a new contractor, the quality of landscaping drops off. They noted that for the 2017-2018 snow season, the Board was unable to choose a landscape contractor until the January meeting, as at the December meeting, the Board was split three-to-three on which contractor to choose. The Board also noted that even if there isn't a contract in place, the prior year's landscaping contractor is available to clear the roads on an on-call basis.

Mr. Conary stated that he lives near Clopper Road and the streets weren't cleared the first three (3) snowstorms. He also noted his surprise that the streets in the Condominium were cleared but not at the townhomes.

Mr. Conary also raised concerns about the sidewalks along Little Star Lane. In particular, the concrete slabs are buckled in several locations along the even numbered side between 18608 and 18604; 18604 and 18602; and adjacent to 18600. Mr. Conary noted that these slabs constitute a tripping hazard.

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8. Angelo Guarino lives on Little Star Lane. He stated his concerns that it does snow in November and that the Association should have a snow removal contract in place. He reported that the past snow season, Little Star Lane was a skating rink and it was difficult to get in and out. He specifically noted that school buses drive down that road. He noted that he owns the first townhome by the holding pond and nearest the church.

Mr. Guarino noted that the trees behind the row of townhomes that screen off the church have grown too big, with branches rubbing against the houses and are now about twenty feet (20') taller than the townhomes. They have been trimmed on the house side in the past, so the roots have grown on that side to compensate for the weight imbalance; some of these roots are too near the surface and present a trip hazard. He noted that one tree fell a few years back, fortunately landing on a deck and not a house.

Mr. Guarino also noted his concern that the speed bumps have worn down and need to be built up by at least an inch (1") to slow cars down.

9. Sheila Fergus, Rushing Water Way, noted that there is a puddle on the walkway between 13001 and 13003. The Board noted that the management company for the townhomes would be responsible for this and suggested she contact Chambers Management. Ms. Fergus also noted that the trees aren't being trimmed and branches are hitting her windows. The Board asked Management to communicate with Chambers Management to sort out which Association is responsible for these issues to ensure they are addressed in a timely manner.
10. Nikole Aguilera thanked the other members of the Board for their service. She also asked the incoming Board to address the issues of the trees.

11. Board and Management Responses

Management responded that the Board will be looking at projects for 2019. He noted the pool and also the area behind Lake Mary Celeste Lane, where the parking area is very dark. He asked the homeowners in attendance to consider participating in one of the committees in the Community.

The Board noted that several needs mentioned by homeowners had been topics that the Board was expecting to address at the October Board meeting, but were unable to, as a quorum of Board members were not in attendance. They noted that the general process is that concerns from homeowners are communicated to Management, then Management provides proposals for the Board to consider.

K. ELECTION OF DIRECTORS

The Inspectors reported the results of the election for the Board of Directors. The Association's documents state that the candidates with the highest vote totals from the Single-Family Homes, Townhouses, and Condominium will serve as the representatives of their respective sub-communities and the remaining four (4) positions will be filled by vote total. Elected to the Board for 2019 were:

1. Robert Fabiszak – 112 votes
2. Sherry Lee – 119 votes, will serve as Townhouse Representative

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3. Wenhai Liu – 115 votes
4. Harry Matchett – 116 votes
5. Kevin Miller – 117 votes
6. Frank Walsh – 100 votes, will serve as Condominium Representative
7. JoAnn Windsor – 120 votes, will serve as Single Family Home Representative

The following homeowners also received votes:

8. Bryan Schwan (write in) – 1 vote
9. Robert Love (write in) – 1 vote

L. ADJOURNMENT

MOTION: (Harry Matchett/Sherry Lee) Adjourn the Annual Meeting at 9:04 p.m.

VOTE: Motion Passed - Unanimous