

# Fountain Hills Community Association

## Virtual Board of Directors Meeting

### August 6, 2020

The Board of Directors of Fountain Hills Community Association held a virtual Board of Directors Meeting on Thursday, August 6, 2020 at 7:30 p.m.

#### **Board Members Present:**

Harry Matchett, President  
Sherry Lee, Vice President  
Frank Walsh, Secretary  
Joann Windsor, Treasurer  
Hari Donthi, Director  
Swee Teo, Director  
Nick Mahabir

#### **Also Present:**

Delphine Matthews, Community Manager  
Jason Fisher, COO IKO  
John Tsikerdanos, Nagle & Zaller  
Craig Zaller, Nagle & Zaller

#### **Homeowners: Call In**

I don't have a list as I was not able to login to the meeting.

#### **A. CALL TO ORDER**

The Board of Directors Meeting was called to order by **Harry Matchett at 7:30 p.m.**

#### **Tree Project Update:**

As discussed previously, the Board approved action to address trees in the community that included pruning and in some cases tree removal. The action by the Board to proceed with doing so then became the subject of a CCOC Complaint by an owner. Per the CCOC's Stay Order issued in relation to that case, the Board is prohibited from proceeding with any tree work at this time. As such, the Board wishes to confirm for the owners that no tree removal or trimming can or will proceed while that Stay Order is in effect and that the project is on hold.

In addition, we wish to update and inform the community that a detailed review of the trees in the community will proceed in the next few weeks. Specifically, a walk through will be conducted by our Landscape Contractor (Brightview), Michael Sharp from the Forest Conservation Department, Christopher Myers (Montgomery County), a Board representative and Delphine our property manager, to review and address which trees should be maintained by the Association, and clarify which ones should not. This meeting will help confirm and provide clarity for the Board so it can proceed with making decisions for maintaining the Association's property. It is expected that this walk through may result in then getting an updated proposal from Brightview, which the Board will then review and discuss in a future Open Board Meeting, where owners will, at that time, be provided an opportunity to comment,

**prior to the Board making a decision on how to proceed. Certainly, any Board decision cannot proceed until either (1) the 2 CCOC cases are resolved; and/or (2) the automatic stays imposed by the CCOC cases are lifted.**

## **B. HOMEOWNERS FORUM**

1. Mark Wilson 19009 Noble Oak Dr – Board should ensure maintenance and upkeep of the community, including trees, pool and fountains are taken care of on a regular basis. Maintain the leafy canopy. When trees are removed, replant them.
2. Jackie Arnold – 13325 Tivoli Fountain CT – She stated that she wanted to know the status of the CCOC case. Objects that no healthy trees be removed as a blanket action. Some trees need to be removed but can be replaced with different kinds of trees. Also asked if there was a point of contact with legal counsel. She also mentioned the rat problem and asked if the Board could send a notice and fine to the source of the problem.
3. Linda Decker – 18815 Porterfield Way – Stated she went through the tree proposal that went out and says it was a good starting point. Stated trees damaging the sidewalk is a problem and doesn't want them removed but may have to if it saves the sidewalk. Suggested planting different kinds of trees. Also noted that no one has said why healthy trees are marked for removal. Willing to volunteer for a committee.
4. David Holtzman – 18715 # 302 Sparkling Water Dr – Stated he learned that the HOA has received a stop work order from the County regarding the tree canopy and sediment control. Also noted that there has been no communication between the HOA and condominium board regarding the tree project or asked for permission to enter condominium property. He opposes all tree removal on Rising Sun Lane and all areas around the condominium. He also pointed out a By-Law requirement that all tree removal request should be made to the Architectural Committee. He also inquired about the July 9, 2020 meeting of the Board and asked if the Board voted to send out meeting notices. Stated shame on the Board because they always say they don't want to spend money on legal fees but here we are again. Asked when townhome streets will be paved. Stated the pool smells and full of bird droppings. Suggested Board do their job.
5. Jeff Chai – 18929 Porterfield Way – Stated the trees need maintenance and arborist input. If trees are removed then grind down the stumps. Noted that some sidewalks are County's not HOA. Noted overall maintenance not being done for pool and fountains. Stated the rat problem is bad and has led to wires in cars being chewed and causing damage. Asked where are the dog stations. Asked where is all the money going and stated the Board should resign if not willing to take care of the community. There is no excuse for the lack of transparency or the shape of the community.

6. Nikole Aguilar – 18707 Little Star Lane – Noted that there are mosquitoes coming from the pool and that the pool needs to be repaired. Some owners are fogging their own home because mosquitoes are so bad. Asked when will the potholes in the streets be fixed. Says she rolled her ankle because of a pothole.
7. Coreta Jefferson – 13403 Rising Sun Lane – Agrees people need to take care of their own properties. Also noted that the trees planted on Rising Sun Lane were not the right kind and should be replaced with something more appropriate cut down and replaced. Also noted that the trees along Great Seneca Highway are not maintained whereas other communities do take care of their trees.
8. Harry Matchett – President of HOA – Stated that a walkthrough is coming up later this month and there would be more information to follow. Also stated that the asphalt work has been delayed due to a change in managers.

#### C. MINUTES

1. July 2, 2020 Board of Directors Meeting Minutes

**MOTION:** (Sherry Lee/Hari Donti) Approve the Board of Directors Meeting Minutes of July 2, 2020 as presented by Harry Matchett.

**Vote:** Motion Passed – 5 ayes/2 nays

**Frank Walsh noted that he is taking notes for this meeting but keeps losing connection to the meeting.**

#### D. MANAGEMENT REPORT

1. Pool Cleaning:

Sherry Lee stated that she talked to Vlade of RSV Pools for a different way to address the pool without running the pumps or un-winterizing the pool. Vlade said it could be cleaned manually and “shock” it several times. That way you could still have companies give bids for major repairs. This will address all issues per Vlade of RSV Pools. Vlade also said he could get this done in two weeks and this is faster than draining the pool.

**MOTION:** (Hari Donti/No Second) Authorize IKO to asses all bids and pick the best one. **MOTION DIED DUE TO NO SECOND.**

David Holtzman asked who are the vendors and what services are being offered.

Another owner asked why drain and refill, just leave it empty. It was noted that the pool can't be left totally drained.

David Holtzman noted that Sherry Lee's meeting with Vlade at Starbuck's produced a totally different proposal then all the others.

**MOTION:** (Sherry Lee/Hari Donti) Accept RSV Pools bid for \$2,400.00.

**Vote:** Motion Passed – 5 ayes/0 nays/2 abstention (Walsh, Mahabir)

An owner asked if the bid included any repairs and the answer was no.

Frank Walsh abstained because he missed the virtual discussion and did not see the bid.

2. Fountain Bids:

Management presented operating and repair recommendations but noted it was difficult to get bids this late in the season and due to Fountain Hills' history of requesting bids and never doing the work. American pools bid for once a week maintenance for \$6,500.00. Fountain Craft's bid is for \$2,900.00 and Water Works Inc. had a proposal for \$6,300.00.

Fountain Craft also submitted a bid for fountain repairs. As did Water Works Inc. but their prices were much higher.

Vicki Apple (owner) – Stated this meeting was embarrassing and unprofessional.

It was noted that the bids would be reduced if new pumps are not needed. Delphine Matthews (IKO Management) leaning towards Fountain Craft due to their good reputation and that other companies that declined to bid recommended Fountain Craft. Sherry Lee asked if we should just turn them on or turn them on and repaired. Delphine Matthews noted that some repairs need to be made due to safety concerns.

David Holtzman (owner) Appreciated that the Board was taking action on the fountains but thinks once a week is good enough.

Sherry Lee responded that in her opinion twice a week is better due to COVID 19 concerns.

Mr. Shukla (owner) Noted that two Board members didn't even see the RSV Pool bid and asked why is everything is so last minute.

An unnamed owner stated that fear of COVID 19 is not a reason for two times a week cleaning.

She also suggested that bids and proposals be included with the agenda.

Ms. Goldfarb (owner) Once a week or twice a week, parents should look after their children around the fountains.

Unnamed owner – Asked if the pool bid included repairs or just cleaning and why not fix them, we have the money in reserves. The response was just cleaning.

Harry Matchett stated we ran out of time last month.

Cheryl Lohman – 18805 Lake Placid Lane – Asked if IKO could share their screen to show the bids. Jason Fisher of IKO shared his screen. Cheryl Lohman asked the Board to make repairs.

**MOTION:** (Sherry Lee/Harry Matchett) Approve the proposal from American Pool for two times a week cleaning for \$7,890.00.

**Vote:** Motion Passed – (4 ayes/3 nays – Teo, Mahabir, Walsh)

3. July 9, 2020 Meeting:

*The Board of Directors held a closed session meeting, which was held via video conference on July 9, 2020 at 7:00 p.m., as approved unanimously by the Board, to meet with its legal*

*counsel to review and discuss the status and related matters to the pending CCOC complaint and other related legal matters.*

*The Board of Directors held a closed session meeting, which was held via video conference on July 9, 2020 at 9:10 p.m., as approved unanimously by the Board, to meet with its legal collection counsel to review and discuss the status and strategy related to pending legal collection matters*

4. July 30, 2020”

*The Board of Directors held a closed session meeting, which was held via video conference on July 30, 2020 at 7:00 p.m., as approved unanimously by the Board, to meet with its legal counsel to review and discuss the status and related matters to the pending CCOC complaints and other related legal matters.*

David Holtzman (owner) Stated that action was taken to authorize sending out meeting notices to the community and that it was decided in a meeting with legal counsel.

**E. ADJOURNMENT OF BOARD MEETING INTO CLOSED MEETING**

**MOTION:** (Harry Matchett/Sherry Lee) Adjourn the Board of Directors Meeting into Closed Meeting at 10:23 p.m.

**Vote:** Motion Passed – Unanimous

**F. ADJOURNMENT OF THE CLOSED MEETING**

**MOTION:** (Harry Matchett/Hari Donti) Adjourn the Closed Meeting at **11:12 p.m.**

**Vote:** Motion Passed – Unanimous (Sherry Lee was not on the call at this time.)