

Fountain Hills Community Association

Board of Directors Meeting

September 5, 2024

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, September 5, 2024 at 7:30 p.m.

Board Members Present:

Patrick Broderick, Director
Jeff Chai, President
Jeff Green, Treasurer
Grant Izmirlian, Secretary
Clay Vaughan, Vice President
Frank Walsh, Director

Management Present:

Laura Etchison, Community Association Manager

Board Members Absent:

Carlos Mata, Director

I. CALL TO ORDER

The Board of Directors Meeting was called to order by Jeff Chai at 7:30 p.m. with a quorum of six Directors present.

II. PREVIOUS MEETING MINUTES

The Board of Directors had received draft minutes of the August 1, 2024 Board of Directors and Executive Session meetings. Grant Izmirlian noted a name error and Frank Walsh presented several corrections and amendments. **Jeff Chai made a motion to approve the minutes as amended and corrected. Frank Walsh seconded the motion which carried six to zero.**

III. OFFICER REPORTS

No officer reports were presented.

IV. COMMITTEE REPORTS

Architectural Committee: The Committee reviewed and approved three applications.

Landscape Committee: Management has provided proposals from Level Green which will be reviewed at the upcoming meeting.

Enforcement Committee: Two vehicles were towed from fire lanes. An address reported to be in unkempt conditions was inspected and sent a violation notice for the conditions observed on the deck, to be followed up after thirty days.

V. OLD BUSINESS

A. Pool House Renovation Punch List

Management had inspected and noted three unaddressed items: exterior lights, a door handle and some dispensers. Frank Walsh had observed a guard door which was to be reversed still opening inward. A final punch list inspection is scheduled for Monday, September 9 at 9:30 a.m.

B. Harmony Woods Tot Lot Relocation Update

A resident has expressed concerns to the Planning Department regarding two maple trees which would be removed per the proposed site plan and a September hearing will be scheduled. Bohler Engineering recommends the Association engage a land attorney to assist navigating the hearing process; Jeff Chai noted this is an additional expense as well as future costs to amend the site plans. Jeff Green observed the site plans also propose removing some parking spaces which would be a bad idea as the current parking spaces are insufficient. The Board reviewed expenses to date (approximately \$30,000), the need for the tot lot and the existing problematic tot lot and determined the Association was obligated to proceed with the project. David Holtzman suggested securing the existing tot lot with a locked gate and fence. Frank Walsh noted the tot lot is blocked from vehicle access during the ongoing WSSC sewer main nightly work. Laura Etchison has reached out to the land attorney and awaits response. She recommended the Board meet with the engineer next week to assess where in the process the project stands. The Board would like to invite the concerned homeowner to the October meeting.

C. Fountain Updates: Timers, Lighting & Leaks

Laura Etchison has been working with Fountain Craft on the newest leak. She believes the leak is from a cracked internal pipe per the contractor's recent report. Frank Walsh noted the leak is fifty feet away from the fountain and near the pump house. Management will meet the contractor onsite and may schedule a plumber as well. The Board determined a plumber should inspect the area prior to the fountain contractor site meeting. Laura Etchison has noted higher water usage on the WSSC bills; she will review the accounts to inform the Board how many accounts exist. Laura Etchison has not received Fountain Craft's answer to whether the timers were installed during the fountain renovations. Frank Walsh reported the fountain lights at the condominium were not working. Clay Vaughan noted the single-family homes fountain lights come on nightly around 9:30 p.m. Jeff Chai asked if other fountain contractors are available; management noted there are few contractors in this market.

D. New Street Light

Frank Walsh observed the light is still not functioning and the diffusers have not been installed. Management will contact Power Systems Electric again.

VI. NEW BUSINESS

A. Board Appointments

The governing documents state Director absences from Board meetings (three consecutive or four over nine months) may vacate the seat. Carlos Mata and Grant Izmirlian have both been absent within the above conditions. David Holtzman called a point of order stating the Directors should not be re-appointed by the Board as the vacancies must be published if the Director is being removed. He stated absent Board members are not representing the community's interests. Grant Izmirlian noted that despite being absent he continued performing the duties of his office. David Holtzman declared his self-nomination for an open seat under Article V of the Bylaws. Management began review of the governing documents. Jeff Green announced that under Article VII, Section 1.d, the

“Board of Directors may declare the positions vacant” but are not obligated to do so. He recommended a letter be sent to Carlos Mata requesting his attendance at Board meetings and this agenda item be closed.

B. Bohler Engineering Additional Funding

With the resident concerns prompting Montgomery County Planning Board to respond with new tasks including posting signs, scheduling a hearing and potential revision and certification of updated site plans, Bohler Engineering estimates an additional \$10,000 to \$12,000 in project costs along with adding three additional months to the plan approval process. The firm will prepare a formal proposal for the Board if requested. With the short timeline and imminent hearing, **Jeff Chai presented a motion to approve up to \$5,000 during the month of September to maintain the active status of the application. Frank Walsh seconded the motion which carried six to zero with no abstentions.**

C. Pool Season Overview

While meetings with Winkler management had resulted in improved staff performance for some weeks, during the final weekend staff again performed poorly. Frank Walsh also noted lackadaisical response to flooding during the final backwashing and Patrick Broderick expressed concerns the staff did not provide a safe environment for swimmers. He suggested the Winkler staff rules be shared with residents to determine correct performance. Management has reported all the deficiencies and concerns to Winkler. Laura Etchison has been working to obtain a 2025 service proposal from Georgetown Aquatics whose staff performance has been excellent and also had positive experience with RSV Pools. The Directors agreed RSV Pools should also be solicited for a 2025 service proposal and the RFP should include daily regional manager visits. Management will work with Winkler to winterize the pool. White-coating bids will be solicited for spring execution.

D. Trash Contract & Services

J and J Trash Service Inc. has presented a proposal for twice weekly collection at an increase of fifty cents per home and including bulk trash service at no additional charge. Jeff Green suggested the Casella early termination penalty of \$19,740 could be defrayed by a one-time \$30 special assessment for townhome and single-family homeowners. Residents would also need to obtain their own trash cans. Frank Walsh stated a special assessment could only be levied on all owners in all sections of the community so the trash termination fee could not be funded via special assessment. Jeff Green inquired whether the Board could vote now to execute the service for the 2025-2026 budget. Management will ask counsel if a special assessment may be levied solely on townhome and single-family homeowners and if the current Board could make a future budget decision. Frank Walsh inquired whether the supplemental budgets included sufficient funds to make the provider change now; management will check these accounts. Laura Etchison suggested locking in the contract in by January 1, 2025 with a start date of July 1, 2025, noting the early termination penalty would then be \$13,560. She will obtain answers to the Board’s questions.

E Landscaping and Snow Removal Contracts

Level Green has presented renewal contracts for landscape maintenance and snow removal. Laura Etchison has scheduled a bidders’ site meeting on Tuesday, September 10 at 10:00 a.m. to develop and provide competitive proposals for the October meeting. Snow removal only contractors are included in the bidder list and the RFP now contains the stormwater area tasks. She invited the Directors and Landscape Committee to attend the meeting. Jeff Chai requested the snow removal

agreements contain a “not to exceed” clause and define which equipment should be used for maximum efficiency.

F. FINCEN Partnership

The federal government has mandated that under the Corporate Transparency Act, all incorporated HOA and condominium Board members are defined as corporation officers and must report specific personal information no later than December 31, 2024 and update the information when changes occur to individuals’ details or the Board. Non-compliance may result in a \$500 per day fine to the Association. DH Bader has partnered with FINCEN, a software company whose application was specifically designed with the highest security standards for this reporting process; the firm offers a fee of \$500 if engaged by October 31 or \$700 if engaged after November1. The Association may elect to self-report on the federal website, have Association counsel report or engage FINCEN’s services.

G. Walkway Bridges

The Board considered replacement of the two walk bridges which are deteriorating. This would be a reserve expense. Frank Walsh recommended metal grate bridges be researched.

H. Owner Requests

13107 Lake Geneva Way: A tenant presented a request to open a day care business at this address. The Board of Directors required written consent from the homeowner and counsel opinion regarding Section 9 of the Declaration prohibiting commercial use of a Fountain Hills residence and the Montgomery County law.

Downspout as Easement: Management reported the attorney noted this is an owner to owner issue.

13440 Rising Sun Lane: The owner was disappointed with shortened pool hours on school days. The Board considered but decided against changing the hours in view of higher expense and possible staffing issues.

18619 Autumn Mist Drive: An owner recommended “children at play” signage for traffic calming on Rushing Water Way and Autumn Mist Drive. Jeff Chai recommended the Directors initiate a broader discussion of signage throughout the community. An owner present inquired about Neighborhood Watch signage; Frank Walsh and Laura Etchison explained a significant number of volunteers throughout the community were needed to implement Neighborhood Watch.

VII. HOMEOWNER FORUM

Susan Onuoha attended to express her concerns that Harmony Woods Lane area is declining in quality and enforcement is needed to keep these homes in compliance with community standards. She thanked the Directors for their work but noted this area feels excluded and unheard. She listed trash/recycle cans in constant view, residents working on vehicles in the parking lot, lots with debris and pet waste as particular concerns. Jeff Chai and Jeff Green explained the enforcement of the covenants is currently conducted by volunteers and more are needed. Any infraction may be reported to management with clear photos indicating the address, condition and day and time. Jeff Green noted that management offers an inspection service which would be an additional cost to the Association but could be budgeted. Susan Onuoha asked how volunteers were found; Frank Walsh replied a call for volunteers should be sent with the Annual Meeting notice and asked her to

volunteer. Susan Onuoha agreed to assist with enforcement. Jeff Chai explained the process of violation notices which would be escalated until compliance is achieved. She noted a stray bench; Clay Vaughan stated this used to be part of a picnic area. Susan Onuoha reported drug dealing caught on residents' security cameras, she feels the area is unsafe and problems are coming from the tot lot. Jeff Chai stated suspicious activity should be reported to the police. Frank Walsh noted the Board is working to address the tot lot. Jeff Chai said safety is a community effort.

IX. ADJOURNMENT

At 10:01 p.m. Jeff Chai made a motion to adjourn the Board of Directors Meeting. Clay Vaughan seconded the motion and all were in favor.

Respectfully Submitted,

Marcy Grove