

Corrected as approved on April 7, 2016

**Fountain Hills Community Association  
Board of Directors Meeting  
January 7, 2016**

**Board Members Present:** Tom Brennan, President  
Nick Mahabir, Vice President  
Harry Matchett, Treasurer  
Frank Walsh, Secretary  
Hari Donthi, Member at Large  
Sherry Lee, Member at Large  
Siu Poon, Member at Large

**Others Present:** Ruchita Patel, Management Agent  
Marylou Bono, Recording Secretary

**Homeowners Present:**

Noreen Frank	Robert Love
Cheryl Lohman	Carrie Hoffman
JoAnn Windsor	Jerry and Alexis Gerard
Rick Morris	JoAnna Vedaa
Christopher Summers	Renee Walker
David Holtzman	Lisa Borg

**Call to Order**

The January 7, 2016 Fountain Hills Community Association Board of Directors meeting was called to order at 7:30 pm by Board President Tom Brennan.

**Meeting Minutes**

**MOTION:** (Sherry Lee, Tom Brennan) Accept the minutes of the December 3, 2015 Board of Directors meeting incorporating changes submitted by Harry Matchett and Frank Walsh.

Harry Matchett wished to rescind his vote concerning the collection policy discussed at the December meeting. Tom Brennan said that the vote could not be rescinded. Mr. Matchett indicated that the motion (page 5, first paragraph, of the December 3, 2015 minutes) should reflect that the Board was advised by Management that there was not a formal change to the collection policy as the change in the collection policy. to add the single family homes was the correction of ~~due to~~ a typographical error in the policy and not a change. Mr. Matchett noted that in emails subsequent to the Board vote that Management indicated it was in fact a formal change to the collection policy. Mr. Matchett stated he would not have voted for the December 3, 2015 motion had he been properly informed at the time it was in fact a formal change to the collection policy and not the correction of a typographical error.

**Vote:** 6-1-0 (Harry Matchett opposed)

**Homeowner Forum**

JoAnna Vedaa disagreed with the Board's decision to discontinue servicing of the pet waste stations in the community and considered this the removal of an amenity from homeowners. She expressed concern

over TMGA's decision to terminate their contract with Fountain Hills and stated that it should be added to the Bylaws that anyone on the Board at the time that a management company terminates their contract should not be permitted to continue to serve on the Board.

Jerry Gerard advised that the Village homeowners would like to pay for and manage the pet stations in their area.

Alexis Gerard reported that the Cornelius Court storm drain needed some attention over the holiday break and that homeowners had cleared leaves from it.

JoAnn Windsor reported mixed feelings about the pet stations and said that more notice should have been given and community feedback solicited before a decision was made.

Cheryl Lohman was present to discuss the rental of her property as well as construction of a stairway on the property. She requested that she and her neighbor, Noreen Frank, go to binding arbitration to settle their differences on the matter. She stated that there is a high risk of infection from animal waste and that pet stations should stay in the community.

Robert Love stated his concern over the fiscal fiasco, the status of the CCOC case, financial solutions he proposed at the last meeting as a plan to resolve matters rather than "bandaid" them. He is against funding the pet stations.

Lisa Borg advised that she is opposed to rentals in the community.

Noreen Frank advised that she is opposed to rentals in the community. She stated that the primary purpose of the walkway being installed by Ms. Lohman is as a separate entrance for renters. She requested that a separate meeting be set to go over these issues.

A resident of 18806 Lake Placid Lane stated that she is opposed to rentals in the community.

David Holtzman noted that the cost for maintenance of the storm drain on Cornelius Court should come from the Village budget and not the general association budget. He is opposed to rentals and the proposed accessory apartment on Lake Placid Lane. He is concerned that the HOA is not enforcing architectural requirements and should reject the application for the walkway and the accessory apartment and only approve rentals for family members.

Renee Walker is against the removal of the pet stations.

Discussion ensued regarding the architectural change request application for the walkway at 18805 Lake Placid Lane.

### **Financial Issues**

Tom Brennan advised that reporting on all financial issues would be deferred until the February meeting.

### **Voting Items**

Cornelius Court Drain – Robert Love inspected the drain and feels there are options. Tom Brennan asked Mr. Love if he would investigate cost effective solutions and bring them to the Board's attention.

Dog Station Renewal – Tom Brennan advised that the Board voted last month not to renew the contract for servicing of the pet stations in the community, which belong to Fountain Hills. He stated that the Board had listened to feedback, but does not feel it is worth the \$8,500 annual expenditure. Mr. Brennan

obtained a proposal from another company to service the pet stations at an approximate cost of \$3,500 annually. A general discussion of the matter and possible solutions ensued.

**MOTION:** (Nick Mahabir, Hari Donthi) Remove all pet stations immediately.

**Vote:** 5-1-1 (Frank Walsh opposed; Hari Donthi abstained)

Ruchita Patel inquired as to whom the work order for removal should be issued. Proposals from Dunlevy and Gardener's were presented.

**MOTION:** (Hari Donthi, Tom Brennan) Accept the proposal from Dunlevy to remove all pet stations for a cost not to exceed \$250 and dispose of them.

**Vote:** 2-4-1 (Sherry Lee, Siu Poon, Harry Matchett, Frank Walsh against; Tom Brennan abstained)

Fountain Maintenance – Tom Brennan stated that he was not in favor of renewing the contract with CPS due to their poor performance last year. A decision was tabled until the new management company takes over.

Lawn Maintenance – Ruchita Patel advised that the lawn maintenance contract with Dunlevy had expired on December 31, 2015 and that services do not begin again until March. Tom Brennan advised that this item be tabled until the new management company takes over.

Pool Maintenance – Tom Brennan advised that this item would be tabled for discussion until the new management company takes over.

#### Trash Collection

**MOTION:** (Tom Brennan, Sherry Lee) Accept the renewal service agreement from Potomac Disposal at no cost increase.

**Vote:** 4-1-2 (Harry Matchett opposed; Siu Poon, Frank Walsh abstained)

Collection Policy – Harry Matchett expressed his desire to rescind his agreement to a motion made at the December meeting regarding the revised collection policy. Mr. Matchett indicated that the motion (page 5, first (1<sup>st</sup>) paragraph of the December 3, 2015 minutes) should reflect that the Board was advised by Management that there was not a formal change to the collection policy as the change in the collection policy to add the single family homes was the correction of a typographical error in the policy and not a change. Mr. Matchett noted that in emails subsequent to the Board vote that Management indicated it was in fact a formal change to the collection policy. Mr. Matchett stated he would not have voted for the December 3, 2015 motion had he been properly informed at the time it was in fact a formal change to the collection policy and the correction of a typographical error. Tom Brennan suggested that discussion on the matter be deferred until the new management company takes over.

Lake Geneva Way Fountain – Tom Brennan advised that this item would be tabled for discussion with the new management company.

Board of Directors Email – Per Tom Brennan, this matter is tabled for discussion with the new management company.

February Assessment Payments - Harry Matchett inquired regarding the management transition date and the processing date of direct debit payments. Ruchita Patel advised that direct debits are processed on the 10<sup>th</sup> of each month and that the Board would need to consult their new management company on how to advise homeowners regarding their February assessment payments. Any funds received at TMGA's

offices after February 5, 2016 would be forwarded to the new management company; however, TMGA can't do direct debits after February 5th.

**MOTION:** (Harry Matchett, Tom Brennan) To not make the February reserve contribution in order to have additional operating funds in the operating account during the management company transition.

**Vote:** 6-1-0 (Frank Walsh opposed)

December 19, 2015 Executive Session - Tom Brennan advised that the Board held an Executive Session on December 19, 2015. No motions were made and no votes taken. He will provide the minutes of this meeting.

#### New Management Company

**MOTION:** (Tom Brennan, Siu Poon) Approve the management contract submitted by IKO Real Estate, Inc. as the community's new property management company effective February 6, 2016.

David Holtzman inquired as to the value of the contract and Tom Brennan advised that it was approximately \$70,000. Frank Walsh asked if the requested changes to the contract had been made as he had not seen a revised copy. Per Tom Brennan, all changes have been made and will be verified before signature.

**Vote:** 6-1-0 (Frank Walsh opposed)

Homeowner Request – The Board discussed Steven Muse's request to remove information concerning the CCOC case from the website. Tom Brennan advised that the information was there in the interest of transparency within the community and should be left as is. Frank Walsh noted that the information should be updated; Ruchita Patel advised that it had already been updated and forwarded to Tom Brennan.

#### **18805 Lake Placid Lane**

**MOTION:** (Tom Brennan) Deny request from the homeowner at 18805 Lake Placid Lane to subdivide her home for rental purposes.

Following discussion, Tom Brennan rescinded his motion and tabled discussion until the Board could investigate the matter further and interpret the Bylaws.

#### Adjournment

**MOTION:** (Tom Brennan, Sherry Lee) Adjourn the Board of Directors meeting at 9:56 pm.

**Vote:** 7-0-0

Submitted by: Marylou Bono, The Management Group Associates, Inc.