

Corrected as approved on June 5, 2014

**Fountain Hills Community Association  
Board of Directors Meeting  
May 1, 2014**

The Board of Directors of Fountain Hills Community Association held a Board of Directors Meeting at the Upcounty Regional Services Center on Thursday, May 1, 2014 at 7:30 p.m.

**Board Members Present:**

Jackie Arnold, President  
Nicolm Mahabir, Vice President  
Harry Matchett, Treasurer  
Hari Donthi, Secretary  
Steven Muse, Director  
Frank Walsh, Director

**Also Present:**

Stephon Collins, Community Manager  
Craig Wilson, Vanguard Management  
Brenda Martinez, Vanguard Management  
Ruth Ann Allen, Recording Secretary

**Board Member Resignation:**

Tom Brennan, Director

**Homeowners Present:**

Chris Hekimian, 18936 Porterfield Way  
Jennifer Calvert, 19007 Noble Oak Drive  
Tim Smith, 13327 Tivoli Fountain Court  
Ana Olariu, 13246 Autumn Mist Circle  
Ira and Harriet Adler, 18808 Sparkling Water Drive  
Sue Adamkiewicz, 13322 Rising Sun Lane  
Rick Morris, 18908 Porterfield Way  
Ashok Segu, 18629 Autumn Mist Drive  
Manjit Kaur, 18621 Autumn Mist Drive  
Vernard McBeth, 13108 Lake Geneva Way  
David Hunter, 18621 Autumn Mist Drive

**A. CALL TO ORDER**

The May Board of Directors Meeting was called to order by Jackie Arnold at 7:34 p.m.

**B. HOMEOWNER OPEN FORUM**

1. Sue Adamkiewicz, 13322 Rising Sun Lane, inquired about pool passes. The Board stated that there is to be a discussion concerning pool passes later in the Board meeting. If the pool passes are not ready for opening of the pool, no resident would be denied access, but may have to show proof of residency to enter the pool.

Ms. Adamkiewicz also inquired when the CCOC case would be resolved and how

much money has been spent on this case. The Board stated that the Hearing for the CCOC case has occurred and the Board is waiting for the decision from the CCOC chair. Ms. Adamkiewicz read a letter that she sent to the Board and noted that the Board refused to answer questions concerning the CCOC case. Ms. Adamkiewicz noted that the secrecy of the Board is very suspicious.

Hari Donthi noted that Board members and committee members are all volunteers in the community and are also homeowners. The Board does not try to be unreasonable or secretive.

2. Chris Hekimian, 18936 Porterfield Way, noted his concern about how much of the community's money is being spent on the CCOC case and doesn't want to see a large increase in the monthly assessments. Mr. Hekimian inquired why Vanguard Management is leaving and also asked which management company would be taking its place.

The Board stated that Vanguard Management terminated the contract with Fountain Hills Community Association, as there were unresolvable issues between the Board and Management. Management stated that Vanguard wrote a letter to the Board with an explanation for ending the contract. Management stated that the Board is free to share that letter with homeowners if they so choose. Mr. Hekimian stated that he would like to see the letter. The Board will consider whether to share this letter with homeowners.

3. Manjit Kaur, 18621 Autumn Mist Drive, noted her concerns that the community has deteriorated. Ms. Kaur also noted that the Board seems reluctant to answer homeowner's questions. The Board stated that homeowners can bring their concerns to the Board during the Homeowner Open Forum, but the Board may not have the answers and will need to provide the answer to the homeowner at a later time.

Mr. Muse noted that the Board has taken the stance to keep the amount spent on the CCOC case quiet, but the amount has run about \$5,000.00 a month, and yes, this money comes from the assessments that homeowner's pay. Mr. Muse also noted that legal counsel advised that information concerning the case not be shared, as the case is active.

Ms. Kaur also noted that trees from the common area have fallen onto her property. Ms. Kaur also noted that the trees were not taken care of in a timely manner; also there is no grass growing in some of the common areas of the community.

4. Ira Adler, 188081 Sparkling Water Drive, Vice President of the Fountain Hills Condominium Board of Directors, inquired why the percentage increase of the Condominium fees are going up more than homeowners in the other sections of the community as the Condominium does not pay for trash, streets, and snow removal of the HOA. Mr. Matchett explained that, as the Condominium has lower fees, the percentage increase is higher.

5. David Hunter, 18621 Autumn Mist Drive, noted that there is considerable trash littering the community and the landscaper has not been doing a good job with lawn maintenance. Mr. Hunter stated that the landscape company drove through an area behind his townhouse when the ground was very wet and left big grooves in the ground. The landscaper also blows leaves into the flowerbeds of the homes instead of into the woods. Mr. Hunter noted that the snow removal has been good.

Mr. Hunter stated that he had spent thirteen and a half (13½) hours cleaning up trash along Autumn Mist Drive. He submitted a bill to the Board requesting three (3) months HOA fees for this effort and has not heard from the Board. Mr. Hunter noted that the trash has come back very quickly after being cleaned up.

6. Tim Smith, 13327 Tivoli Fountain Court, noted that he does not want the monthly assessments to go up. Mr. Smith noted that if homeowners are not willing to volunteer to clean up the community, it will cost money to have someone else do it.

Mr. Smith also asked for information about the CCOC case. The Board will check if any of this information can be communicated to homeowners. Mr. Muse stated that the previous Board decided to hire legal counsel to defend against the CCOC case.

7. Vernard McBeth, 13108 Lake Geneva Way, stated that the previous Board was unwilling to consider a reasonable settlement of the CCOC case and that they were not willing to see that there was nothing to win by progressing with the case.

8. Ashok Segu, 18629 Autumn Must Drive, noted that he had contacted Management about getting information on matching colors for his home and has not received any response. Mr. Segu also noted that the roots from the trees are coming up in the area beside his house and the grass is dying on the common property. Mr. Segu requested that the Board consider carefully how the Association's money is spent. Mr. Segu noted that the expense for the CCOC has not shown up in the budget report.

9. Rick Morris, 18908 Porterfield Way and website manager, stated that the Board is a mess and if homeowners read the minutes posted on the website they would know what has been happening. Mr. Morris stated that nobody expects the Board to be property managers and that is why there a management company to lean on for advice. Mr. Morris also noted that the spending for the CCOC has been going on for several years. The Board noted that there have been no new costs related to the CCOC case since the Hearing in March.

10. Ana Olariu, 13246 Autumn Mist Circle, stated that she is unhappy with the landscaping and the budget. Ms. Olariu volunteered to be on the Landscaping

The Board noted that the Board would like to have a comprehensive landscaping plan for the community and will need volunteers to help with this plan.

### C. MINUTES

#### 1. April 3, 2014 Board of Directors Meeting Minutes

**MOTION:** (Harry Matchett/Steve Muse) Table the approval of the April 3, 2014 Board of Directors Meeting Minutes until June.

**Vote:** Motion Passed - Unanimous

### D. MANAGEMENT REPORT

#### 1. Social Committee Event Schedule

Management provided the Board with a tentative schedule of events for the community from the Social Committee. Steven Muse noted that he had not seen any notice of the Social Committee Meeting and mentioned his concerns about the rules and protocols for holding meetings.

Nicolm Mahabir suggested that the event for the community cleanup on a Saturday in early or mid-May be approved, as it is time sensitive. The requested budget for this event is \$100.00.

**MOTION:** (Nicolm Mahabir/Harry Matchett) Approve the community cleanup on the Social Committee event request schedule for \$100.00.

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

#### 2. 19008 Noble Oak Drive

Management provided the Board an Architectural Review Committee (ARC) Application from 19008 Noble Oak Drive for installation of a shed in the back yard.

Frank Walsh inquired if the shed matched the color of the house. Jackie Arnold stated that she had checked and had photos that the shed would match the house color.

**MOTION:** (Jackie Arnold/Hari Donthi) Approve the ARC Application for 19008 Noble Oak Drive for installation of a shed in the backyard.

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

#### 3. 18807 Lake Placid Lane

Management provided the Board with an ARC Application from 18807 Lake Placid Lane for installation of a six foot (6') fence on the property line to match the neighbor's existing fence.

**MOTION:** (Jackie Arnold/Harry Matchett) Approve the ARC Application for 18807 Lake Placid Lane for installation of fence pending the approval of the building permit.

**Vote:** Motion Passed - Unanimous

4. 19007 Noble Oak Drive

Management provided the Board with an ARC Application from 19007 Noble Oak Drive for installation of a fence in the backyard to match neighbors.

**MOTION:** (Jackie Arnold/Hari Donthi) Approve the ARC Application for 19007 Noble Oak Drive for installation of a fence in the backyard.

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

5. Correspondence from 13101 Lake Geneva Way

Management received correspondence from the homeowner of 13101 Lake Geneva Way requesting a solution to prevent people from using the area in front of the townhouse as an access to Dawson Farm Road. The area has become so worn it is now only dirt and rocks. The rocks also become spread out and end up in the street where they could damage cars.

The Board tabled any decision on this matter and requested that Management contact the homeowner that any decision on this matter will be done at a future Board meeting.

6. Landscaping Committee Appointments

**MOTION:** (Jackie Arnold/Harry Matchett) Appoint Ana Olaiu, Manjit Kaur, Don Webb, and Tim Smith to the Landscaping Committee.

**Vote:** Motion Passed - Unanimous

Harry Matchett volunteered to be the Board liaison to the Landscaping Committee.

**MOTION:** (Jackie Arnold/Hari Donthi) Appoint Harry Matchett as Board liaison to the Landscaping Committee.

**Vote:** Motion Passed - Unanimous

7. Architectural Review Committee (ARC) Appointments

**MOTION:** (Jackie Arnold/Harry Matchett) Appoint Marco Mazzarino and Jim Gible to the Architectural Review Committee.

**Vote:** Motion Passed - Unanimous

The Board suggested that Tom Brennan be asked to join the Architectural Control Committee.

8. Lake Geneva Way Street Lights

Nicolm Mahabir inquired about the status of installing additional street lights on Lake Geneva Way. Jackie Arnold stated that she had talked with a police officer and he suggested waiting for the leaves to come out on the trees. Ms. Arnold stated she would contact the officer this week to schedule a walk through of the community.

9. 18700 Lake Mary Celeste Lane

Management received correspondence from 18700 Lake Mary Celeste Lane requesting a payment plan of an additional \$200.00 per month payment to the regular monthly assessment until the balance on the account is current.

**MOTION:** (Harry Matchett/Jackie Arnold) Accept the payment plan proposal from 18700 Lake Mary Celeste Lane of \$200.00 a month in addition to the regular monthly assessment until the account is current.

**Vote:** Motion Passed - Unanimous

10. FY2014/2015 Proposed Budget

The Board reviewed and discussed the proposed FY2014/2015 budget provided by Management. Nicolm Mahabir suggested that the pet waste station services should be eliminated, as it is only benefits dog owners. It was noted that the current contract for the pet waste services expires in December and this matter can be revisited at that time.

Harry Matchett recommended that the assessments be increased by \$3.69 to cover a predicted \$9,000.00 in bad debt for the community that was not taken into account in the proposed budget.

**MOTION:** (Harry Matchett/Jackie Arnold) Propose an assessment increase of \$3.69 over the FY2013/2014 budget.

**Vote:** Motion Passed - 4 ayes/1 nay (Walsh)/1 abstention (Muse)

**E. CLOSED MEETINGS**

Per section 11B-114 (vi) of the Maryland Homeowners Association Act, the Board of Directors held two (2) Closed Meetings on April 11<sup>th</sup> and April 22<sup>nd</sup> of 2014. The meetings were held at the Upcounty Regional Services Center for the purpose of interview, contract review, and negotiation related to the selection of a new management company.

At the April 22<sup>nd</sup> Closed Meeting, the Fountain Hills Community Association Board of Directors took the following actions. A vote was taken to select a new property management company from the companies interviewed by the Board. The motion passed 4 ayes (Arnold Donthi, Matchett, Muse and 3 nays (Brennan, Mahabir, Walsh). Additionally, a motion was made to have the proposed contract reviewed by an attorney. The vote on this motion was a tie with 3 ayes (Brennan, Walsh, Mahabir; 3 nays (Muse, Matchett, Donthi); 1 abstention (Arnold). During the meeting it was stated that the motion "passed". After the meeting was adjourned, it was noted that this was an error on the part of the Board as a tie votes fails instead of carries.

**F. BOARD MEMBER RESIGNATION**

The Board received written correspondence from Tom Brennan on April 25, 2013

submitting his resignation as a director on the Board of Directors effective immediately.

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**G. CLOSED MEETING FOR NEW MANAGEMENT COMPANY CONTRACT**

**MOTION:** (Harry Matchett/Frank Walsh) Move into Closed Session at 9:20 p.m.

**Vote:** Motion Failed - 3 ayes/3 nays (Muse/Arnold/Donthi)/0 abstentions

**H. NEW MANAGEMENT COMPANY CONTRACT**

The Board discussed specific additional services offered by the new management company.

The Board discussed using a paper pool pass system versus an electronic pool pass system.

**MOTION:** (Steven Muse/Hari Donthi) Accept the electronic pool pass system.

**Vote:** Motion passed - 4 ayes/1 nay (Walsh)/1 abstention (Mahabir)

The Board discussed the offer of the new management company to provide a website for Fountain Hills Community Association.

**MOTION:** (Steven Muse/Hari Donthi) Accept the new management company's website proposal.

**Vote:** Motion Failed - 2 ayes (Muse/Donthi)/4 nays (Walsh, Mahabir, Arnold, Matchett)/0 abstentions

The Board discussed and voted on a quarterly newsletter at \$800.00 a year provided by the new management company.

**MOTION:** (Jackie Arnold/Harry Matchett) Accept the additional newsletter services at a cost of \$800.00 per year.

**Vote:** Motion Passed - 3 ayes (Donthi, Matchett, Arnold)/1 nay (Mahabir)/2 abstentions (Muse, Walsh)

Nicolm Mahabir left at 9:40 p.m.

It was noted that the attorney had reviewed the contract and provided written comments for the Board. The attorney stated that the contract was written well, but suggested several changes and suggested that the termination clause between the Association and the management company be changed to ninety (90) days instead of thirty (30) days. Frank Walsh suggested that the suggestions made by legal counsel should be changed in the contract.

The Board discussed authorizing Harry Matchett to represent the Board of Directors in meeting with the new management company to determine other services (freebies) offered by the management company.

**MOTION:** (Steven Muse/Hari Donthi) Designate Harry Matchett, on behalf of the Board of Directors, to meet with the new management company to go over legal recommendations and come to a mutual understanding that would be acceptable.

**Vote:** Motion Passed - 4 ayes/0 nays/1 abstention (Walsh)

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**MOTION:** Steven Muse/Hari Donthi) Allow Harry Matchett to accept any free or discount services that the new management company has to offer that would be for the best interest of the community.

**Vote:** Motion Passed - 4 ayes/0 nays/1 abstention (Walsh)

Steven Muse noted his concern about notifying the community of committee meetings. Jackie Arnold stated that she would look into the matter of the Social Committee Meeting.

The Board requested that Harry Matchett also bring to the new management company's attention the Board's concerns on the notification of meetings to the community.

**MOTION:** (Hari Donthi/Arnold) Bring to the attention of the new management company to review the policy and procedures in regards to meetings for the Board of Directors (open and closed) and committee meetings to have ready when they start.

**Vote:** Motion Passed - 3 ayes/2 nays (Muse, Walsh)/0 abstentions

Both Vanguard Management and the new management company should be in attendance at the June Board of Directors Meeting.

#### **I. ADJOURNMENT**

**MOTION:** (Jackie Arnold/Hari Donthi) Adjourn the Board of Directors Meeting at 10:05 p.m.

**Vote:** Motion Passed - Unanimous