

**Fountain Hills Community Association  
Board of Directors Meeting  
September 3, 2020**

The Board of Directors of Fountain Hills Community Association held a virtual meeting on Thursday September 3, 2020 at 7:30 p.m.

**Board Members Present:**

Harry Matchett, President  
Sherry Lee, Vice President  
JoAnn Windsor, Treasurer  
Frank Walsh, Secretary  
Hari Donthi, Member at Large  
Nicolm Mahabir, Member at Large  
Swee Teo, Member at Large

**Management Present:**

Jason Fisher, Chief Operating Officer  
Delphine Matthews, Community Manager

**Also Present:**

John Tsikerdanos, Association Attorney

**I. CALL TO ORDER**

The Board of Directors Meeting was called to order by Harry Matchett at 7:37 p.m.

**II. REVIEW OF PREVIOUS MEETING MINUTES**

**III. UNFINISHED BUSINESS**

**A. Tree Maintenance and Removal Proposal**

**Harry Matchett presented a motion to approve the tree maintenance and removal proposal from Brightview Landscaping at a cost of \$45,445 less a \$5,000 enhancement discount for a net total of \$40,445, to be paid from the operating account. Sherry Lee seconded the motion.**

John Tsikerdanos noted the proposal could be approved but no work could be performed until the CCOC stay order is lifted. Nicolm Mahabir stated he could not support this action pending resolution of the CCOC case regarding tree work as well as the absence of a re-planting plan and the opportunity for homeowners to provide input. Swee Teo suggested posting the plan on the Association website for members to review. JoAnn Windsor provided information regarding tree removal in the SFH area. Delphine Matthews notes that an August 18 site visit with Brightview, Board members and a Montgomery County arborist clarified Association and County tree maintenance responsibilities. Frank Walsh conveyed lack of support for the proposal and endorsing further research before execution, including trees damaging sidewalks, possible erosion impact and replanting ideas.

Homeowners present at the meeting expressed concerns that despite a review of the tree with a Montgomery County arborist, the proposal should be disseminated and provide clear justification and locations for each tree pruning or removal recommendation. The members endorsed obtaining an

additional assessment from an independent arborist, two more competitive proposals, and sufficient time for homeowners to review a detailed plan for tree services. Some dead common area trees outside the pool fence facing 18808 Sparkling Water Drive were noted as not addressed in the existing proposal, other trees marked for removal may only require pruning.

**Harry Matchett called the vote. The motion was not approved zero ayes, five nays and two abstentions (Sherry Lee and Harry Matchett)**

Harry Matchett made a motion at 9:08 p.m. to enter Executive Session; with no second, the motion failed. Delphine Matthews recommended continuing with the agenda items. John Tsikerdanos suggested the pool and fountain repair items be addressed.

**B. 13307 & 13311 Tivoli Fountain Court Common Area Triangle**

**Harry Matchett made a motion to allow the two homeowners to pour concrete on the area contingent upon the concrete being load-bearing.**

The homeowners did not present an architectural application as the spot may be common area; deteriorating from erosion and unable to support turf growth, landscape stone has been placed but a more permanent solution is sought. Delphine Matthews stated the triangle is a drainage problem and trip hazard; should this be common area an Association contractor should resolve the problem. As the spot may be under Association responsibility, **Harry Matchett amended the motion to be tabled until management researches ownership to determine responsibility. JoAnn Windsor seconded the amended motion which carried unanimously.**

**C. Fountain Repair Proposals**

Management had presented proposals from American Pool, Fountain Craft, RSVPools and Waterworks. Delphine Matthews explained that RSVPools had initiated turning the fountains on based upon a prior approved service agreement but encountered significant issues with the Mediterranean Drive fountain and noted operating the other two fountains without minimum repairs would not be safe. The proposed repairs may provide a few more years' service from the fountains. The Mediterranean Drive fountain may have a backflow preventer problem; management was directed to have RV Carey check the testing record and investigate the situation. Delphine Matthews stated all the contractors had emphasized the need for repairs if not replacement. RSVPools will winterize the two fountains should repairs not be approved.

The Board of Directors evaluated the merits and technical details of the various proposals and considered whether short term repairs or even replacement should be pursued and whether work should be performed this fall or in spring. Possibly repairing two of the fountains and replacing the third was an idea proffered by management. Frank Walsh made a motion to accept the \$9,000 repair bid from American Pools which received no second.

Homeowners advocated full replacement or extensive repairs and supported rapid action being taken on the fountains in a value-conscious manner as this amenity influences the individual and Association property values.

**Hari Donthi motioned to accept the Fountain Craft repair proposal at a cost of \$22,887.39, seconded by Swee Teo. Following further discussion, Hari Donthi amended the motion to include repair of the fifth tier basin of the fountain at the pool. Swee Teo upheld her second of this amended motion.**

**Harry Matchett called the vote. With six Board members present, Sherry Lee having left the meeting, the motion deadlocked three to three and failed.**

Nicolm Mahabir requested the mutual assent of the Board to direct management to obtain three bids for fountain replacement for review at the October Board of Directors meeting; the Board of Directors agreed.

#### **IV. NEW BUSINESS**

##### **A. Pool Repair Proposals**

RSVPools had presented a repair proposal for \$133,910 with a 7% discount on six items should the project be executed no later than the fall of 2020. Comparative quotes received were \$177,842 and \$142,086. Harry Matchett's analysis of the figures noted the discount did not seem to match the net total of \$118,221.60. He also stated the coping stone replacement was only 70% funded per the reserve schedule but sufficient funds are available for the project. Under item four, two options were presented for replacing or re-grouting the ramp tiles at the beach pool.

**Harry Matchett made a motion to accept the RSVPool repair proposal at a cost of \$110,884, to be funded from general reserves and specifying option 4.B for re-grouting the tiles at the beach pool. Two Board member simultaneously seconded the motion. The motion carried six to zero.**

##### **B. Condominium Project Notice**

The Fountain Hills Condominium Association has an upcoming roof project; the Board of Directors directed management to have the webmaster post the notice regarding the project on the master association website.

##### **C. Stormwater Management Violations**

Montgomery County citations originally issued in November 2019 were presented to management with a sixty-day correction deadline. Brightview had responded with a proposal to correct the violations. Frank Walsh moved to refer the issue to legal counsel for advice but received no second.

**Harry Matchett made a motion to accept the Brightview proposal for \$4,987 to correct the violations. JoAnn Windsor seconded the motion and the Board of Directors voted unanimously to approve acceptance of the proposal.**

#### **V. ADJOURNMENT OF THE BOARD TO EXECUTIVE SESSION**

**MOTION:** (Harry Matchett/JoAnn Windsor) Adjourn the Board of Directors Meeting to Executive Session at 9:40 p.m. **VOTE:** Motion Passed Unanimously

##### **A. RESULTS OF THE EXECUTIVE SESSION**

Not Recorded

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**B. ADJOURNMENT OF EXECUTIVE SESSION**

**MOTION:** Unknown **VOTE:** Unknown

Respectfully submitted by transcription,

Marcy Grove