

**Fountain Hills Community Association**  
**Board of Directors Meeting**  
**June 3, 2021**

The Board of Directors of Fountain Hills Community Association held a Virtual Board of Directors Meeting on Thursday, June 3, 2021 at 7:30 p.m.

**Board Members Present:**

Jeff Chai, President  
Nancy Dofflemyer, Vice President  
Jeff Green, Treasurer  
Grant Izmirlian, Secretary  
David Holtzman, Member at Large  
Frank Walsh, Member at Large

**Management Present:**

Delphine Matthews, Portfolio Manager  
  
Marcy Grove, Recording Secretary

**Board Members Absent:** Nicolm Mahabir, Member at Large

**I. CALL TO ORDER**

The Board of Directors Meeting was called to order by Jeff Chai at 7:32 p.m. with a quorum of five members present. Frank Walsh arrived shortly after the call to order.

**II. PREVIOUS MEETING MINUTES**

The Board of Directors received draft minutes for the May 3, 2021 meeting. Jeff Green noted a nay vote incorrectly attributed to Jeff Chai instead of Jeff Green. **Jeff Chai made a motion seconded by Jeff Green to approve the draft minutes with this amendment. The motion carried five to zero to zero.**

**III.COMMITTEE REPORTS**

**A. Architectural Control Committee**

Delphine Matthews reported one application had been denied at the May 19 meeting and the owner had submitted and appeal immediately prior to tonight's meeting. As the Board of Directors had insufficient time to review the information, the appeal will be added to the July meeting agenda.

**B. Enforcement Committee**

Jeff Green noted a re-inspection will be conducted in June. The Committee discussed updating the existing parking rules, including reducing the time period used to define a vehicle as stored and changing other language. Jeff Green asked whether the Board of Directors would have the Enforcement Committee proceed with a draft, for review by the Board, legal counsel and any others as required. David Holtzman noted that parking enforcement currently relies heavily on one member's interaction with local authorities and the towing company and their interpretation of the rules without consultation with management, legal counsel or the Board of Directors. Updating the parking rules would protect the Association from legal and financial liability such as the class action

suit against G&G Towing and multiple associations some years ago. Delphine Matthews stated conducting this update with advice from legal counsel would prevent individual interpretation.

### **C. Landscape Committee**

Lori Summers stated a brief May meeting occurred. The petunias were planted May 28 and the weather cooperated, watering has not been required. Comments were received the annual plantings were skimpy at the Fountain Hills Drive entrance and on Mediterranean Drive. The Committee sent recommendations to management for improvement. Delphine Matthews has already addressed this topic with Brightview Landscaping. The Landscape Committee will not hold a June meeting.

### **D. Pool Committee**

Frank Walsh reported the Committee has inspected the pool, identifying the fountain logo tiles had not been installed in the wading pool. Nancy Dofflemeyer noted the contractor had been unable to complete this, the proposal should be reviewed regarding this item. Jeff Chai stated while sufficient chair inventory exists for the 2021 season, some chairs should be evaluated for re-strapping or replacement for 2022. He noted the pool was well attended on Memorial Day. Nancy Dofflemeyer had comments from the lifeguard staff regarding repairs improving their experience and residents also commented on improvements. David Holtzman suggested the pool schedule of hours be posted and inquired about mask policy. Delphine Matthews reported Montgomery County had greatly eased restrictions effective May 28, the pool information had been prepared based on their prior direction. The Board of Directors resolved to post schedule signage including a statement that wearing masks encouraged.

## **IV. OLD BUSINESS**

### **A. Draft 2022 Budget**

Delphine Matthews had revised the draft 2022 budget based on details from the first updated version of the draft reserve study. The second updated draft reserve study reduced the reserve contribution. Fountain maintenance, originally calculated at \$3,800, has been proposed to cost \$14,000 by the contractor. The operating contingency fund was also decreased. Jeff Green reported that stringent analysis of the draft reserve study had indicated certain projects, identified to not belong to Association reserve elements or to be outdated maintenance practice, were removed altogether while other projects such as tree removal and replacement should be included in the cycle. Corrections made result in reducing contributions to the general reserve fund by \$6,000 to \$83,000.

David Holtzman asked where funds are allocated in the draft budget to fund the anticipated increased insurance premiums needed for newly discovered coverage needs., Delphine Matthews noted this cost could be paid from the operating contingency fund. David Holtzman expressed concern that management had failed by not identifying this insurance issue; Delphine Matthews noted the policy had been initiated prior to IKO's tenure, had been in force since at least 2015, and the Board of Directors could request review prior to the annual May auto-renewal of the policy. David Holtzman inquired as to the status of the storm water quality overcharges he had identified from 2018; Delphine Matthews had presented these to the auditor for scrutiny, after which the

management accounting team submitted the refund request. When asked whether a decrease is reflected in the budgeted 2022 taxes, Delphine Matthews affirmed this. David Holtzman then stated this was a management failure in 2018. David Holtzman also stated these should be referred to as fees assessed against private streets in the community rather than a tax. Delphine Matthews reiterated the management recommendation that the Association attorney provide an opinion on the definition of this expense as a tax or fee.

David Holtzman noted the new pet waste station expense is presented separately from the trash collection fee and opined the expenses should be presented as a combined figure of \$48,126 as Montgomery County define pet waste as domestic trash and the expense should be unrelated to the Condominium assessment.

**David Holtzman presented a motion to adopt the draft 2022 budget with the above-noted amendments to the general reserve fund, the operating contingency find and the budgeted trash amount. Nancy Dofflemyer seconded the motion which was ratified six to zero to zero.**

#### **B. Draft Reserve Study**

Delphine Matthews and Jeff Green performed thorough review of the first draft reserve study. Adjustments were made to exclude streets maintained by Montgomery County, the tot lot on Harmony Woods Lane, correct the fountain lighting expense and remove sealcoating while a three-year cycle of tree removal and replacement will be included. Frank Walsh identified another Harmony Woods Lane tot lot which is a reserve element for the Fountain Hills Community Association. Delphine Matthews will investigate the condition of this tot lot. Delphine Matthews reported Peter Miller, Miller and Dodson principal, has apologized for the issues with competing the study. The updated second draft reserve study has arrived and will be provided to the Board of Directors. Jeff Chai recommended Peter Miller attend the July Board of Directors meeting to review the study. Delphine Matthews will extend the invitation and requested the Board members provide questions in advance from their examination of the newest document.

## **V. NEW BUSINESS**

### **A. Fountains – Maintenance Proposal**

Kurtis Miller, Fountains by Water Works, has diagnosed water flow issues with the Fountain Club Drive installation as created by rocks being inserted into the supply pipes. Replacement of the pipe is estimated at \$14,000 with the damaged pipe being abandoned. Jeff Green states the fountain does not appear level which could also create the water flow issue. Grant Izmirlian queried whether this may also result from a rate of flow problem and whether the Association should accept a substandard product. Frank Walsh asked whether the pump would be damaged by leaving the rock-filled pipe in place. Jeff Chai recommended leaving the supply line and place and scheduling a meeting with the contractor and Board of Directors to review the situation. Delphine Matthews will arrange an appointment for the following week

The Lake Geneva installation is still receiving waterproofing care until the sealing cures. The Mediterranean Drive fountain is functional without issues.

Delphine Matthews reported maintenance, such as equipment checks and chemical treatments, should be initiated soon.

Fountains by Water Works has presented a maintenance proposal for the new installations. The 2021 cost is \$4,350 for weekly service visits for all three fountains through the operating season with a \$2,100 winterization fee. If a three-year agreement is accepted, the 2022 cost is \$10,150 and the 2023 Cost \$10,533 for the weekly seasonal service, plus the opening and winterization expenses. A full scope of services provided each week is listed in the proposal David Holtzman endorsed engaging Fountains by Water Works as supportive for their work to date in the community and that management continue negotiations. Frank Walsh recommended a termination clause be added. Jeff Chai's question regarding warranty was answered that parts carried a five-year manufacturer warranty and workmanship was guaranteed for six months. Delphine Matthews the Association did not have a wide range of providers from which select another contractor.

**Nancy Dofflemyer made a motion to approve the first year's maintenance program for \$8,767 and engage the second and third-year service at end of the 2021 season if management is able to transact this term with the contractor. Grant Izmirlan seconded the motion which carried unanimously, six to zero to zero.**

**B. Homeowner Request – Pole Light**

A Lake Mary Celeste Lane homeowner has requested a pole light be installed in an area which seems dark. After consideration, the Board of Directors tabled a decision pending an overview of all community pole lights. Homeowners are encouraged to utilize their exterior lighting and the tree pruning work may improve this condition.

**C. Insurance – Coverage Increase**

The Association's State Farm representative is preparing a quotation reflecting coverage of the pool, tot lots and fountains. Removal of the diving boards has been recommended by State Farm as the representative indicated the policy could be cancelled if the diving boards remain. The Board should decide whether the boards should be removed or another insurance provider engaged that would cover the diving boards. Delphine Matthews noted she awaits the new premium price. The Board of Directors resolved to have RSV Pools block access to the diving boards until a decision has been rendered.

**VI. HOMEOWNER FORUM**

**Monika Simmons** had requested the Board of Directors re-assign her reserved parking space to more safely accommodate her handling of a kayak. The Board of Director's denial was justified on what basis? Jeff Chai noted setting this precedent could become an overwhelming cycle of more requests. Frank Walsh recommended the owner present a formal appeal of the decision for consideration at the July meeting.

**Nicholas Duncan** asked the Enforcement Committee clarify the visibility of trash/recycle bins. His address is subjected to a rear lot where bins are stored. Jeff Chai requested this address be sent to management. Nicholas Duncan also reported cats are being allowed to roam loose by neighbors and intrude on his lot; he requested information be added to the newsletter (website).

**Steven Muse** requested what action the Board of Directors would take regarding a Board member who allegedly vandalized a homeowner's truck on Lake Geneva Way. The Board asked Steven Muse to provide details regarding this incident.

Fountain Hills Community Association  
Board of Directors Meeting  
June 3, 2021

**Jackie Arnold** inquired when the new coupon booklet would arrive. Delphine Matthews noted the order would be placed early next week as the Board of Directors had approved the 2022 budget tonight. The approved budget begins July 1, 2021.

**Tanya Michelson** presented inquiries regarding sweeping of slippery sand in the Sparkling Water Drive parking lot area, installation of a bike rack and replacement of street signs. Delphine Matthews identified these items as Fountain Hills Condominium responsibilities, to be addressed to the Condominium management and Board of Directors.

#### **VII. ADJOURNMENT**

**Jeff Chai moved to adjourn Board of Directors meeting at 9:32 p.m. The motion was seconded by Nancy Dofflemyer and carried six to zero to zero.**

**Respectfully Submitted,**

**Marcy Grove**