

VILLAGE OF FOUNTAINVIEW COUNCIL MEETING

NEWARK SENIOR CENTER AND ZOOM

SEPTEMBER 14, 2022

President Carrie Bolen called the meeting to order at 6:32 pm.

Mary Ellen Fish initiated the roll call: Present: Bill Anderson, Karen Baker, Carrie Bolen, Mary Davis, John Evans, Mary Ellen Fish, Paula Kelly, and Samantha Summers (FSR). Absent: Mel Wenneman and Deborah Ingram.

Audience attendance: 32. Zoom: 17

ANNOUNCEMENTS:

POWER DOOR INSTALLATION: Waiting to hear from the vendor regarding the installation date.

MAINTENANCE: The painting of the Villas' shutters, the Townhouse gutter guards, and the extra lighting for the parking lot should be finished by the first of the year.

PATIO AND DECK INSPECTIONS: Out of the original offenders, 16 remain in violation. Letters have been sent.

SPECIAL ASSESSMENT: Samantha said about 20 percent of the residents have paid. If you have not done so, please do. The deadline is November 29.

NEW WEBSITE: In one month, there has been 257 site visits. The website is updated frequently so visit often. There are plans to change the password after the new year.

FLU SHOTS: Scheduled for September 21<sup>st</sup> from 2-4 pm. Contact Pat Hagan if you want to participate.

RENOVATIONS: The flooring projects will start as follows:

Building 1000, third floor, September 12

Building 1000, fourth floor, September 19

Building 3000, fourth floor, September 26

Building 3000, third floor, October 1

After the floors have been installed, the Villas' shutters will be painted, then each of the above hallways will be done.

TREASURER'S REPORT:

MOTION: Karen Baker moved that the Treasurer's Report be approved as submitted. Mary Ellen Fish seconded it. All were in favor. The motion passed.

BUDGET RESOLUTION: John Evans is presenting a resolution that provides standing instructions for

the property manager (whoever that may be) on how to proceed with the annual VOF budget.  
MOTION BY JOHN EVANS:

Be it resolved by the Village of Fountainview Council that the following annual budget procedures shall be honored, observed and followed by the Council and by the incumbent property manager in connection with each annual budget of the Association.

#### ANNUAL BUDGET PROCEDURES

1. The property manager shall solicit, verify, and report to Council at the first scheduled Council budget conference on the anticipated cost of each recurring contracted or expected service to the Association for the ensuing budget year under consideration, including, but not limited to, landscaping, pool, elevator, fire alarm systems, janitorial, and snow removal, etc. The costs also shall include any fees chargeable to the Association for inspection, licensing, certification, code compliance, or other such costs that must be borne during the ensuing year in connection with any and all licenses or permits necessary for continued operation.
2. Charges made to the Association by the City of Newark for water to be distributed and delivered to individual living units in Buildings 1000, 2000, and 3000 only shall be shown and reported on a separate schedule prepared for the Association by the property manager together with the revenue collected from individual units as water usage charges, which schedule shall be included in the financial data published by the property manager for the Council each month during the calendar year. The said schedule shall be produced in a form similar to the Delinquency Report showing which unit owners are late in making payments of assessments.

NOTE: Excluded from this schedule will be charges from the City of Newark for storm water, and charges for water to be consumed in the operation of facilities of the Association, including without limitation the pool, lawn sprinklers, water for exterior hoses, etc.

3. The Profit & Loss Statement prepared by the property manager each month as a component of the monthly financial reports to the Council shall match and be presented and published in the same identical order and employing the same identical titles (or their recognizable abbreviation) as the items set forth in the approved annual budget.
4. Each year, beginning with calendar year 2022, any late payment charge when paid by a unit owner shall be accumulated by the property manager and turned over to the Association at the end of each calendar quarter for deposit to such Fund or applied as determined by majority vote of the Council after receipt of the funds. For Calendar year 2022 the first such payment by the property manager to the Association shall occur promptly following September 30, 2022.

Mary Ellen Fish seconded it. All were in favor. The motion passed.

MOVE-IN, MOVE-OUT FUNDS: John Evans suggested creating an account for the Move-in, Move-out funds that is not to be included in the general fund.

MOTION BY JOHN: Each year the cumulative total of all funds received by the property manager as a move-in fee charge of one month's dues collected from each new unit owner shall be turned over to the Council promptly after the conclusion of each calendar quarter for deposit to such account or funds

deemed appropriate by the Council. The property manager shall provide an accounting of the sources of all such funds at the time such funds are turned over to the Association beginning in calendar year 2022.

All funds collected pursuant to the Move-in, Move-out Policy shall be accounted for and turned over to Council at the end of each Calendar Quarter beginning in Calendar year 2022.

Mary Ellen Fish seconded it.

DISCUSSION: Mary questioned if some of the money would be used for painting. Carrie said that the money will be separate and not part of the general fund. John said the purpose of the motion is to make sure we know what money we have.

VOTE: All were in favor. The motion passed.

#### MOTION FOR RESOLUTION REGARDING WHITE CHAPEL VIOLATIONS:

RESOLUTION BY JOHN EVANS: Previously, the Council of the Village of Fountainview Condominium Association at a meeting on June 8, 2022, adopted a resolution requiring proof of compliance by White Chapel LLC with the provisions of Code of Regulations, Sec. 9.3, namely proof of the execution by each tenant of the mandatory Lease Addendum and incorporation of such Lease Addendum into each operable lease; and on June 10, 2022, a certified letter, return receipt requested was mailed to the White Chapel address requiring such proof within 15 days of the mailing of the letter; and no such requested documentation having been produced by White Chapel LLC: now therefore

Be it resolved that a violation assessment of \$1,500 for each of the 37 White Chapel rental units currently under lease is hereby levied, and the Property Manager is hereby instructed to charge each such unit the sum of \$1,500 as a violation assessment in the same manner as is done for all other charges for assessments for each unit; and, it is further

Resolved that any unpaid violation shall be subject to late payment fees in the same manner as any other unit obligation for any other assessment.

Bill Anderson seconded it.

VOTE: Bill Anderson: yea, Karen Baker: yea, Carrie Bolen: yea, Mary Davis: nay, John Evans: yea, Mary Ellen Fish: yea, Paula Kelly: yea. Six yeas; one nay. The motion passed.

#### COMMITTEES:

POOL: Bill Anderson and four members of the pool committee had a meeting with Neptune Pools in regards to the 2023 year. The cost will be \$9750. They went through the contract line by line, and Bill was satisfied with their explanations. The fee has gone up 16 percent as the price of chlorine has risen excessively.

MOTION BY BILL: That we accept the Neptune Pool contract for the year 2023.

DISCUSSION: The pool will open two weeks before Memorial Day and close two weeks after Labor Day. Carrie wanted to know what the extra cost is for the extended time. Bill said when the water and electric costs are known, he will break down the daily operating costs for the pool. Also of concern is when the pool is shut down due to an accident or malfunction, should there be a possible refund? John

suggested a contingency for a shut down. Mary also questioned whether the recent shut down was negligence.

John Evans seconded the motion.

VOTE: All were in favor. The motion passed.

COMPLAINTS ABOUT THE CALCIUM CHLORIDE (BLUE BUCKETS) FOR DEICING: Bill said that last winter complaints were raised about the substance in the blue buckets. Residents thought it was an oil based product. Bill brought a sample of the substance to show that it is a water-based additive that also is safe for animals.

RENOVATIONS: Karen Baker said Five Star Painting and Certa-Pro each submitted bids for painting the four hallways that are being tiled now. Five Star entered a bid for \$24,796; Certa-Pro's bid was \$23,496. Certa-Pro did paint the second floor in Building 1000, and Karen was happy with that work. She recommends Certa-Pro because of their previous work, lower bid, and professionalism.

MOTION BY JOHN EVANS: A painting contract is hereby awarded to Certa-Pro Painters of Delaware in the sum of \$5,867 to complete the wall painting portion of Project No. 22-1000-3 on the third floor of Building 1000; and,

a further painting project is hereby awarded to Certa-Pro Painters in the sum of \$5,867 to complete the wall painting portion of Project 22-1000-4 on the fourth floor of Building 1000 and,

a further painting project is hereby awarded to Certa-Pro Painters in the sum of \$5,867 to complete the wall painting portion of Project 22-3000-4 on the fourth floor of Building 3000 and,

a further painting project is hereby awarded to Certa-Pro Painters in the sum of \$5,867 to complete the wall painting portion of Project 22-3000-3 on the third floor of Building 3000.

Mary Davis seconded it. All were in favor. The motion passed.

LANDSCAPING: Karen Baker reported that a contract from Black Lagoon Pond Management of Hamilton, N.J., has been received. The price is \$2075/year for a two-year contract plus an \$50 permit fee from the Delaware Department of Natural Resources and Environmental Control (DNREC) for the application of pesticides to treat the pond water. The contract covers seven treatments for algae control, pond weed, and creeping water primrose. Black Lagoon does not do geese control.

MOTION BY KAREN BAKER: To accept the Black Lagoon Pond Management Contract for the years 2022 - 2023 and 2023 - 2024 for a price of \$2075/year totaling \$4150 plus the \$50 permit fee. Paula Kelly seconded it. All approved. The motion passed.

#### OLD BUSINESS:

ADOPTION OF FINES: Sixteen residents have not come into compliance with the Rules and Regulations since inspections began three months ago. There was discussion that fines should be levied against those who do not correct the offenses. This issue will be revisited next month with a vote being taken on the fines. This money will go into a separate account.

#### NEW BUSINESS:

APPROVAL OF PATIO DOOR: The resident in unit 112, Building 1000, requests approval to install a right-sided fixed patio door by Pella; her current door has a draft. Carrie contacted the Pella spokeswoman. She assured Carrie that the door was appropriate in style and color.

MOTION BY JOHN EVANS: Move to approve the door installation with the caveat that the door is inspected after installation, and if it fails to match the exterior then the resident will replace it at her expense.

VOTE: All in favor. The motion passed.

TRICON: Unit 115 in Building 3000 is having water issues. Whenever it rains, water comes inside as the storm water is running toward the unit instead of away from it. Tricon fixed a similar problem in Building 2000. John also has asked Samantha to have Tricon assess other places in the community.

MOTION BY JOHN EVANS: A contract is hereby awarded to Tricon Construction Management Inc. of New Castle, De., to furnish labor and materials to complete three (3) under drains at Building 3000 near unit 115 including excavation, installation of 4 ft. of PVC under drain in stone bed from downspout to a pop-up vent 20 linear feet away from Building 3000 for a completed contract price of \$3,995 exclusive of permit costs and engineering if required. Mary Ellen Fish seconded it. All were in favor. The motion passed.

BUDGET WORKSHOP: Council will meet on Friday September 16 at 3 pm. for a budget workshop. A second workshop will follow at another date. John Evans said there is confusion that if an amount is budgeted to a committee then they are entitled to that said amount, but that is not so.

PARKING LOT PAINTING: Bill Anderson said several vendors were contacted regarding possible seal coating and line painting of the parking lot. Only one vendor, Asphalt King, came, inspected the job, and broke the job down into specific costs. VOF does not need any work done to the road as it is in excellent condition. Asphalt King has done other work for FSR. The fee will be \$4000 for the line painting.

MOTION BY JOHN EVANS: A contract is hereby awarded to Asphalt King Sealcoating & Paving, LLC of Wilmington, De., for parking space line re-stripping at a cost of \$4000.

Paula Kelly seconded it.

VOTE: All were in favor. The motion passed.

COUNCIL MEMBERS: John Evans said that it is mandated that two residents be elected from the TH/Villas, and they must declare it. Currently, we have two Council members – Mel Wenneman and Deborah Ingram both from the TH/Villas - who ran for Council but as at-large candidates. Currently we have nine council members, and it has become increasingly difficult to find interested and capable individuals. John said that if we have fewer to elect, VOF has a better chance of getting interested and capable people. Perhaps a smaller council with no mandatory members should be considered. Five members is the average amount in other FSR communities although one has seven members. The VOF original documents call for five members. This issue will be revisited.

COUNCIL OPEN FORUM:

CALCIUM CHLORIDE BUCKETS: Bill Anderson questioned whether the 5 gallon buckets that held the calcium chloride is still necessary. Premiere does a good job of clearing the walkways, and VOF is just duplicating their efforts.

MOTION BY BILL ANDERSON: That VOF eliminates the 5 gallon buckets for ice removal. John Evans seconded it. All approved. The motion carried.

Bill said that if anyone has one of those buckets, please contact him and he will pick it up.

ABUSE OF HANDICAP PARKING: Mary Davis said that Catherine McFalls has not been able to

park in the handicap space closest to her unit as another resident has been parking her mother's car there and leaving nasty notes. Her mother is not using the car. This has been reported to DMV. Mary said that by our documents, VOF can do whatever we want to resolve the situation, but others disagreed. The mother has not been seen in the car. It also was suggested that HUD and that Delaware Human Resources be called and made aware of the situation.

AUDIENCE PARTICIPATION:

DIANE BAKER: Questioned when the dog tie ups became a violation. It was explained that the issue is not the tie up but where it is placed. The tie up cannot be on the common area and cannot be attached to the building. It can be anchored by a chair or another heavy object on the patio

CATHERINE MCFALLS: She has called DMV and the City of Newark to report a handicap tag that is being used by someone who does not need it. (Please see Mary Davis' s comments above). She was told by the City that we cannot tow it. She said we need a handicap rule regarding parking.

AUDREY MANN: Said that the budget is too general, and that items need to be placed in a categories.

RENTER IN UNIT 214: Asked about the violation of storage on her balcony.

The meeting was adjourned at 8:40 pm.

Respectfully submitted,

Paula F Kelly  
Secretary