

VILLAGE OF FOUNTAINVIEW COUNCIL MEETING AT THE  
NEWARK SENIOR CENTER AND VIA ZOOM  
OCTOBER 12, 2022

President Carrie Bolen called the meeting to order at 6:30 pm.

Secretary Paula Kelly called the roll: Present: Bill Anderson, Karen Baker, Carrie Bolen, John Evans, Mary Ellen Fish, Deborah Ingram, Paula Kelly, and Mel Wenneman. Also present – Samantha Summers from FSR. Zoom: 23 In Person Attendance: 20

MEETING BEHAVIOR: Carried said this is a meeting of the Council, and the audience are invited guests and here to observe. Please do not talk or shout out loud. The intention is to get through the entire agenda and address each matter. With fewer interruptions, the Council should be able to finish all business and leave time for comments. A different approach will be taken tonight. The floor will be open for 15 minutes at the beginning of the meeting for comments. Then the announcements will be made, and the agenda will follow.

OPEN DISCUSSION:

Bill Scheper (Bldg 1000) Expressed concern about the possible curb cut-out on the north side of Building 1000 in front of the door. He said that concrete was replaced about two years ago. There is no other cut-out like it, and it should be placed to match all the other community cut-outs. He said it is wasteful and ill conceived to rip out good work for safety when VOF struggles financially.

IRVING WHITFIELD (Bldg 2000): Requested chargers for electric cars. The Parking Committee has been directed to look into this.

ANNOUNCEMENTS

COUNCIL MEETING:

Carrie said the Council's purpose is to manage Fountainview. That business must be done at these meetings in the open in full view of the unit owners. Emergency or time sensitive matters that happen in between meetings need to be confirmed at the monthly meeting. Detailed minutes are our record keeping of that work.

Most complaints can and should be handled by the property manager who is following VOF instructions and policies. Comments and complaints also can be submitted in writing. The main purpose of this meeting is to handle VOF business. If that takes up most of the time, then we are doing what is expected.

Samantha Summers will be leaving FSR on Oct. 19. Roger Fons will be our main contact. Assistant manager, Ashley Foreman, will be helping with administrative tasks and resident inquiries until Dec. 31. On Jan. 1, Sarah Mattox will be the manager-in-training and co-manage with Roger Fons. Sarah and Roger will be on site on Oct. 17 to do a walk through with Samantha.

BUDGET WORKSHOP: The second workshop for the Council will be held Friday, Oct. 21 at 3 pm. at the Newark Senior Center.

ANNUAL MEETING: Will be held the second Wednesday in December at the Newark Senior Center.

PATIO/DECK INSPECTIONS: Samantha said they are continuing to inspect units. The next inspection will include items that are attached to the beams or siding. She encourages people to take down any items like this before the inspection occurs at the end of the month. While items can be stuck there, there cannot be any screws attached or alterations made to the building. There also are 20 - 30 residents who have not complied in fixing their past violations.

#### UPDATE ON PROJECTS:

VILLAS SHUTTERS: have been painted.

PARKING LOT: is currently being painted and will be finished Friday.

FLOORING INSTALLATION: has been completed in Buildings 1000 and 3000.

HALLWAY PAINTING: tentatively scheduled for Building 3000 on Oct. 17.

ACCESSIBLE ELECTRIC DOORS: Will be installed Oct. 17.

UPGRADED PARKING LOT LIGHTING: Is being researched as the lighting currently installed is no longer available.

TOWNHOUSE: Gutter guards have been ordered, but have not come in yet.

Carrie announced that Sandra Angeline (Bldg 3000, 116), had passed on Oct. 6. Her funeral Mass will be held on Oct. 15 at 9 am. at Holy Family Church. Our prayers go out to her three sons Joseph, Richard, and Matthew.

TREASURER'S REPORT: Will be posted on the website and on the bulletin boards.

MOTION BY DEBORAH INGRAM: I move that we accept the Treasurer's Report as presented. Mary Ellen Fish seconded it. All were in favor. The Treasurer's Report is accepted.

#### TREASURER'S PROPOSALS:

John Evans reported some water damage in Building 3000 as a result of a faulty water heater connection. Several units below the problem unit also sustained damage. The owner's insurer, Travellers, issued a check to Fountainview in the amount of \$12,198.51 which included an extra \$616.20. If that last amount has been mistakenly paid to us, it will be returned. For now it will go to the Contingency Fund. The disbursements of the check are listed in the following motion.

MOTION BY JOHN EVANS: Council hereby acknowledges receipt as a disbursement agent of payment made directly to FSR of the sum of \$12,198.51 from Travellers Insurance, the carrier for Shirley Pearce, the insured owner of Unit 402 in Building 3000 regarding water damage to Units 402, 302, 202, and 204 as a result of a defective water heater connection in Unit 402. Council further acknowledges receipt as a disbursement agent, and in the same manner of the sum of an additional \$10,00 in the form of a bank check drawn on Citibank N.A. which is hereby this day delivered to Samantha Summers for FSR. Council further acknowledges the report of an adjuster with respect to the allocation of insurance proceeds to the aforementioned units affected by the said water damage. Based upon the foregoing the receipts and approved disbursements to be made by FSR are as follows:

Insurance funds received:	\$12,198.51
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Approved disbursements:	
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Unit 402	\$3,209.31
Unit 302	\$4,901.06
Unit 202	\$1,319.21
Unit 204	\$1860.35
FVCA-labor reimburse	295.37
Contingency Fund	616.20
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	\$ 12,198.51

Bill Anderson seconded it. All approved. The motion passed.

#### FOUNTAINVIEW POLICY ON TIMING OF PAYMENT TO VENDORS AND CONTRACTORS:

John Evans said there has been slow payment for some of the smaller business vendors contracted to VOF. This will result in them not wishing to do business with VOF again. This motion hopes to rectify this situation although there are vendor qualifications as listed below.

MOTION BY JOHN EVANS: Effective November 1, 2022, all vendors and contractors or other businesses whose contracts with the Village of Fountainview Condominium Association for the performance of contracts, supplying of services, supplying of goods, and/or materials have been approved by the Council and who shall have properly registered with the property manager, and who shall have submitted a statement specifying the amount then due shall be paid within thirty (30 days) of the delivery to the property manager of the statement of amount due where the total then due is One Thousand (\$1000.00) Dollars or less, and within forty-five (45 days) where the amount then due is Seven Thousand Five Hundred (\$7,500.00) Dollars

Paula Kelly seconded it. All were in favor. The motion passed.

#### OLD BUSINESS

FINES FOR REPEATED OR UNRESOLVED VIOLATIONS: Samantha continues to send repeated notices about balcony violations. John Evans recommends the institution of fines not for the revenue but for compliance such as the late payment fee for condo fees. These inspections started in May. It is now October, and a one-third of the residents remain in violation. Deborah Ingram suggested that residents be given 90 days to correct their violations. Karen Baker said that 60 days is more than enough to time to rectify the problems, and that a \$100 fine should be levied with an additional \$50 for each month that passes.

MOTION BY DEBORAH INGRAM: I move that the Council impose a fine of \$100 for delinquent balcony/patio violations 60 days after notification. For every month that the violation continues after the 60 days then an additional \$50 will be imposed.

Mary Ellen Fish seconded it.

DISCUSSION: John would not lower the additional monthly fine to \$50 but keep it at \$100 for each additional month.

Karen said the punishment should fit the crime.

Deborah wanted to know where the fines would go.

John said the fines would go into the contingency fund or some type of penalty reserve. Samantha suggested that a time frame be created for when violations last more than six months, and that the Council have the discretion to take further action against the resident.

NEW MOTION BY DEBORAH INGRAM: I move that the Council impose a fine of \$100 for delinquent balcony/patio violations 60 days after notification. If the situation is not rectified within the 60 days then an additional \$50 will be imposed for every month. If the situation extends beyond six months then the Council will have the discretion to take further action against the resident.

Mary Ellen Fish seconded it.

VOTE: Bill Anderson: aye; Karen Baker: aye; Carrie Bolen: aye; Mary Ellen Fish: aye; John Evans:

nay; Deborah Ingram: aye; Paula Kelly: nay; Mel Wenneman: aye. Six ayes; two nays; the motion passed.

**TEMPORARY HANDICAP RAMP AT 2 FOUNTAINVIEW DRIVE:** A resident's son has installed an aluminum ramp on blocks that can be taken down in 10 minutes; it has been placed as his 80-year-old mother cannot push his father's wheelchair.

**MOTION:** Bill Anderson moved that the Council approve the temporary ramp at 2 Fountainview Drive. John Evans seconded the motion.

**ROLL CALL VOTE:** Karen Baker: nay, Mel Wenneman: aye; Mary Ellen Fish: aye, Carrie Bolen: aye; Deborah Ingram: aye; John Evans: aye; Paula Kelly: aye; William Anderson: aye. Seven ayes, one nay; the motion is approved.

**LATE FEES FOR WATER:** The City bills VOF for water; VOF in turn bills each individual unit. Some condo fees are billed monthly, some quarterly but the water must be paid by 30 days even if you are on quarterly payment otherwise a late fee will be incurred.

**MOTION BY JOHN EVANS:** Be it resolved by the Council of the Village of Fountainview Condominium Association that the Late Payment Policy is hereby amended to include the following:

Nevertheless, the late payment charge shall be assessed against any unit for which the monthly water charge due for the unit has not been paid prior to the expiration of the 30<sup>th</sup> day following the first due date thereof.

Furthermore, all payments being made by or for units or unit owners for water are due within 30 days of the first of each month regardless of the billing date or the unit owner's receipt of the statement. Payments for water made after 30 days from the first of each month are subject to and will be charged the standard assessment for late payment.

Bill Anderson seconded it. All were in favor. The motion passed.

**BLACK LAGOON :** Karen met with them last month regarding the care of the pond and its banks. A contract is needed as the banks are overgrown, and need cutting again. This work is done in the winter.

**MOTION TO APPROVE BLACK LAGOON CONTRACT FOR 2023 BUDGET BY KAREN**

**BAKER:** I make a motion to approve this contract for Black Lagoon in the amount of \$1850 for the 2023 Budget. John seconded it.

**DISCUSSION:** Carrie questioned if this is biannually done every other year and should it be included yearly in budget.

**VOTE:** All were in favor. The contract was approved.

**BUILDING 1000, UNIT 116 MOLD ISSUE:**

Council had approved previously via email to schedule an emergency mold test for this unit. This motion formalizes the action.

**MOTION BY JOHN EVANS:** The emergency engagement of Enviro-Sure of West Chester, Pa., for purposes of undertaking an airborne mold spore test for the interior of Unit 116 in Building 1000 at a cost of \$1180.00 is hereby ratified and affirmed, and FSR is hereby directed to promptly pay such charges upon receipt of proper documentation.

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

**TRICON OUTSIDE WORK OF BUILDING 1000, UNIT 106:** An examination of the outside of unit 116 by Tricon, a landscaper, FSR, and an insurance agent showed that the lawn was pressed up against

the building and allowing water to enter and thus leading to mold. While there was mold in this unit several years ago, a solution only dealt with the inside and not the outside. Outside the rain water comes directly down long stretches of gutter and then hits a corner and overshoots the gutter top. It is a design problem. The solution is to build a trench along the wall and have a french drain conduit go under the sidewalk at the southwest end of 1000. Council agreed for this to be done asap. This is the formal confirmation.

MOTION BY JOHN EVANS: That a contract informally approved by the consent of Council as an emergent matter authorizing Tricon Construction Management Inc. of New Castle, De., to furnish labor and materials for the installation of an exterior drain field and drain on the southwestern exterior of Building 1000 outside of Unit 116 involving excavation, installation of drain piping, stones and stone beds, pop-ups in stone beds, downspout under drain, and roof gutter deflector for purposes of preventing water saturation in the exterior ground at the aforementioned locations, and to facilitate the removal and transportation of rainwater, surface water, and soil saturation water away from the location for a total price of \$6,545.00 is hereby ratified, confirmed, and approved.

Bill Anderson seconded it. All approved. The motion passed.

#### ACCESSIBLE ELECTRICAL HANDICAP DOOR PLACEMENT

MOTION BY MARY ELLEN FISH: I, Mary Ellen Fish, make a motion for approval by the Council for

Placement of new electrical handicap doors at the north entrance to Buildings 1000 and 3000 and along the fire lane on the south side of Building 2000. This motion will greatly enhance and accommodate handicap access to all the buildings. With a touch of a button, anyone in a wheelchair or utilizing walkers or crutches will easily be able to enter all three buildings. They will start work on the doors on Monday October 17, 2022.

DISCUSSION: Bill Anderson questioned if those needing the doors are happy with their placement. Carrie said that the population will change constantly and cannot anticipate who will need what where. John said Mary Davis was the individual who started this process and did talk to others who would benefit from it; she understood the issue of accommodating others needs.

VOTE: All in favor. The motion passed.

REDUCING THE COUNCIL FROM NINE MEMBERS TO SEVEN: Currently there are nine Council members. John Evans proposes shrinking the Council in 2024.

MOTION BY JOHN EVANS: I propose that Section 4.1.1 of the Code of Regulations is hereby repealed. In lieu thereof the following Section 4.1.1 is hereby adopted.

4.1.1. Number. Effective January 1, 2024, and thereafter as provided below, the Council shall intimately be composed of seven (7) members elected at large from among all the units, each Council member to have been elected for a term of three (3) years. Until the election of Council members hereunder in December 2023, current members of Council shall serve out their respective terms. Any resignations from Council prior to January 1, 2024, shall not be filled. Beginning with the election to be held in December 2023, for terms of Council members commencing in 2024, three Council positions shall be filled, each for a term of three (3) years. The following year two(2) positions shall be filled, each for a term of three (3) years. In the third year, two (2) more positions shall be filled each for a term of three (3) years.

For the election of Council in December 2022, only one position for Council shall be filled and for a term of only one year.

In the event of a resignation or removal of a member of Council prior to the end of the elected term of office term of office, the remaining members shall fill the vacant position for the unexpired term of the departing Council member. Those Council members continuing to hold office when a resignation or removal of a Council member has occurred shall not permit the Council size to be

reduced below five (5) members.

Thereafter, in each subsequent annual election the unit owners shall fill the positions being vacated at the end of the year in which the vote is occurring.

Paula Kelly seconded it.

VOTE: Karen Baker: nay; Mel Wenneman: nay; Mary Ellen Fish: aye; Carrie Bolen: aye; Deborah Ingram: aye; John Evans: aye; Paula Kelly: aye; Bill Anderson: aye. Six ayes, two nays; the motion passed.

HANDICAP PARKING: As the VOF community ages, the residents' mobility needs continue to be anticipated with new accommodations made. One area of concern is increased handicap parking.

MOTION BY PAULA KELLY: I move that the Council approve seven more handicap parking spaces in the following designated areas:

BUILDING 1000: One space on the east side of the building behind the Villas and adjacent to the other two handicap spots will be added. On the north side in front of the door, two spaces with hash marks in between them will be added (to allow for a future cut-out for van parking).

BUILDING 2000: On the pond side, one space adjacent to the other two handicap spots will be added.

BUILDING 3000: Two spaces on the west side where the cones have been, and one on the north side adjacent to the other two spaces will be added.

John Evans seconded it. All were in favor. The motion passed.

BUDGET WORKSHOP MOTION BY CARRIE BOLEN: I move that the second budget workshop be held on October 21<sup>st</sup> at 3 pm. At the Newark Senior Center. John Evans seconded it. All were in favor. The motion passed.

Carrie announced that Mary Davis has resigned from Council. She has been the impetus for the handicap doors. We wish her well and thank her for her service to the community.

John wished to thank Samantha Summers for working with Council; she juggles many responsibilities and has done an outstanding job. She will be difficult to replace and missed.

OPEN TO THE FLOOR

BILL SCHEPER (Bldg 1000): Had concerns that if the water rate changes, will residents be fined. Also had questions about the new doors. John said there will be no change in the rate until it is implemented by VOF; there will be plenty of notice. Bill also expressed his appreciation for the motion about prompt payment.

RALPH CARPENTER (Bldg 1000): Had questions about using a POD while carpeting is being installed in his condo.

MEL HARRIS (Bldg 2000): Had concerns about what recourse the Council would have if residents just continued to pay fines instead of correcting their infractions.

The meeting was adjourned at 8:14 pm.

Respectfully submitted,

Paula F Kelly  
Secretary