

CONDO 16 BOARD MEETING
January 20, 2022 4:00PM via ZOOM

Call meeting to order: Ed Goldfarb

Roll call of the Board – Regina Tripodi

Ed Goldfarb

Regina Tripodi

Tom Guida

Sandy Brinkman

Janice Barning

Yogi Santa-Donato

Richard Rubin

Donna Nevin

Karen Jahn

Pam Prisco

Request of Cluster Captain Names in attendance – Regina Tripodi

Deanie Pezzello

Joe Prisco

Alberta Macciagodena

Sandy Brinkman

Donna Nevin

Janice Barning

Review and Motion to approve the minutes from December 14, 2021 Board meeting -(corrections made as requested by Richard Rubin- the correction is noted at the end of the 12/14/2021 minutes. Minutes to be sent out by Regina Tripodi)
All approved the minutes of 12/14/2021

Richard – what is the process of the minutes? After the minutes are recorded by the secretary I can see they go out for corrections to President , and then go out to the Board for corrections. I would be more comfortable if any corrections made a note was made as to the correction requested. A line attributing with an explanation.

Regina – how about if I make them in Red with a notation

Richard – when you turn them over to the President , that you note any changes /omissions be note. Are you using a tape machine that we bought It should be easy to see what was added or omitted.

Regina – I am using a recorder, which I did forget to mention at the beginning of the meeting. I do record the meetings so that I can go back and type out the minutes. I do send them to all and ask that any corrections that need to be made we do so in our next meeting so that it is easier for me to follow and enter/correct.

Richard – I was looking online and the Society was able to hold their meeting in December and they way they were able to do so in that they have an online recording. I am also recording online.

Ed – are there any corrections other than Richards

Regina – I have made the notation

Ed – can I get a motion to approve with corrections

Sandy approved

Donna approved

Regina – is that everyone saying Ay

Yes –

Financial Report – Presentation of the 12/31/21 Financial Report – Pam Prisco

Summary – due to limited time

Treasurer’s Report – Board Meeting January 20, 2022
As of the December 31, 2021 Balance Sheet

Operating account balance: \$ 31,842.45
Reserve account:

| | |
|--------------|---------------|
| Sterling MMA | \$ 201,671.44 |
| PCSB CD | \$ 171,380.54 |
| PCSB CD | \$ 65,253.93 |

Subtotal: \$ 438, 305.91

| | |
|--------------------|--------------|
| Shingle roof fund | \$ 66,216.55 |
| Road blacktop fund | \$ 62,000.00 |
| Bluestone fund | \$ 6,250.00 |

Grand Total: \$ 572,772.46

Unit owners in arrears: \$ 4,142.05

The automatic monthly deposits to the Sterling money market reserve account and the three sub funds (Roof, Road, Bluestone) were suspended for the months of October, November, December, 2021 and January, 2022.

The Board Meeting for January 20, 2022 was held via ZOOM. The Cluster Captains were invited to participate.

Richard - questioning the December financial statement shortfall on the 2021 of Legal 20,636.84. I did examine the books, and this will come up later. I found that back before the election, I believe Janice made a motion which I supported, that neutral unit owners monitor the count of the ballots, there were only about 80 ballots. Unit owners that volunteered to review the condo ballots and were not charging us. In reviewing the books, we spent over \$2000 in legal fees fighting this on having the unit owners counting the ballots. I was not on the board at that time. What was the justification for this?

Pam – Pam - let me just make one statement. Put simply, what is Condo 16? It is a community of 101 unit owners. Who do you think you are suing when you sue the “Condo”? You sue yourself and your 100 neighbors. Anytime a unit owner engages an attorney, the board must engage the board attorney. There was constant contention and disagreement about the review of the books, the Confidentiality Agreement, who should be and who should not be included in a budget meeting, (the By-Laws state and the attorney concurs, that a budget meeting is to be conducted by the Board of Managers, yet several unit owners were demanding to be present), why are executive sessions held, the election, counting of the election ballots. The Board was being attacked and was obligated to respond. And, I am sorry to say this Janice, but when you engaged your attorney, Mr. Livolsi, over the Confidentiality Agreement regarding your review of the Condo books and records, and your Demand notice during the election, the back and forth between the attorneys, incurred charges of \$3,815. Every time an attorney sends an email, makes a telephone call, writes a letter, etc., it is

chargeable. All the contention required consulting the attorney for his legal opinion and his presence, if necessary at a meeting

Sandy The attorney was present during the counting of the ballots.

Pam – I am sorry to say this Janice, there was a charge of 3800 for the attorney Leviosa and then 2000 in the budget meeting demand and the attorney saying this was just a board decision. The question and demand of having executive sessions. We did not initiate this, the board was being attacked.

Richard – Pam you are totally wrong.

Sandy – we were concerned that the counting of the ballots because of all the consternation going on and wanted to be sure that nothing would happen

Pam – if you look at the total expenditure of attorneys there were several items we were being questioned on it was the election, the counting of the ballots, who should be and who should not be included in a budget meeting, why are executive sessions held. There were several things being attacked upon. I am not saying this is a drop in a bucket. It would not have been necessary if we were not constantly being accused of wrongdoing - look at the bylaws, it says it is to be conducted by the Board yet we had several unit owners demanding being present at the budget meeting. Back and forth with the attorney, every time he does an email or a phone call or a meeting it is a chargeable

Richard – Pam, lets stick to what I am saying, what I am saying is I copied down 10 items - each of these items concern only the demand of having a neutral party while counting the ballots. This could have been solved very quickly by the board saying yes and picked 2- or 3-unit owners to do it and it would have ended. Instead we have an email from an attorney regarding the demand for the ballot correspondence of the ballot \$245; A follow up email from Lavolle - \$560 Correspondence with Lavolle regarding the election - \$315; Email to R Rubin - \$140 Correspondence with Goldfarb regarding the election \$75; Correspondence with Goldfarb regarding inspections of the ballot \$450

This is not talking about gutters or lawsuits of drainage or anything This is specifically \$2000 spent debating whether to have a neutral person present at the ballot it seems to me it did not have to get involved; no one filed a lawsuit on this; it could have been solved by saying 2 people to watch the ballot.

Regina – Richard, I understand your concern and I see what you are saying. My thought process right now is that this is something that has happened in the past. And if this should come to fruition again, like next October. Don't you think we should address it then? as opposed to rationalize or justify or explain the \$2000. I understand completely what you are saying, but it has been spent and at this point but at this point I think we need to look at the going forward issues as opposed to consistently looking at everything that has occurred and let's try to work on moving forward. We have so many issues we need to address. If it comes up again and we all sit there and say we need to go to an attorney then we can say - Richard brought up a valid point and let's talk about this so we are not spending \$2000 again.

Janice – one question when the attorney is consulted do we have always have an opportunity to vote on going to the attorney or is that board vote? Because then we can let it go, or Ed do you have the power to just say it's a board vote.

Ed – it is as these things come up

Pam – several of these charge entries are condo necessary response, as an attorney was brought to the Board, so a condo board attorney needs to respond.

Ed – Janice a lot of this was your attorney regarding the confidentiality agreement.

this was response to responding to an attorney being involved.

Janice – what I am trying to get out does the whole board have option to vote. The email came out that only Karen and Ed were counting the vote. So you had interest in retaining the seats so the new people running had no representation. So that was in response to a decision, what I want to know does the whole board have the option to vote on this.

Ed - yes

Richard – my question was what was the rationale for opposing the neutral homeowners. Simple question – you want a neutral person it's over. This eliminates all the letters / emails. I have been on a lot of boards, organizations, and it's always pro facto on the monitoring of the elections.

Sandy it is beyond just monitoring the election as there were other attorneys involved. Number 2 we wanted to have the attorney there in case something goes on that he needed to explain why something could happen or why it couldn't.

The attorney was there because of all of the contentious Hopefully we won't have that next election. But right now we can't give you a whole big election because we need to get through the meeting.

Richard – I did not ask why Ryan was there.

Yogi – your point is that we should not make these errors again. Correct? I hope your point is not to find out the rationale behind this at the time when there was some stress within and outside the board. We needed an opinion about how to handle and have learned from this. Thanks to you point it out. I believe that in our formation of the board, our first meeting we all agreed that we would try to rectify these incidents in house as adults and with a common purpose. Is that correct?

Richard – I agree, it's expanding what I am asking I didn't ask why he was there. I didn't understand what the conflict was, before the election, before we had a rough meeting I don't understand why the conflict of not have the unit owners there. Again, I am not why the attorney had to be a part of the meeting, we should understand that every time he is there its over \$1000. option of having

Yogi – I agree, and I understand but we could not come to agreement on to handle it. So we needed help. I hope that as a board agree that we can do it better going forward we will not need to do so. We may have made a judgement that was expensive, but it needed to be done at the time we are different board now and will handle it differently

Richard – it does follow up and I am still hung up on the 463B case that we spent 6000 to fight a 1000 lawsuit. Was that also a decision by the board and what was the rationale.

Regina – Richard, again I understand where you are coming from on the all the legal fees, and you see what we budgeted going forward. I am going to ask again can we please just move forward. I want to get to Annas roof, make sure she is taken care of, Tom has variances we would like to get to , we have the Cluster Captains here and I have a few things I want to go through with them. I know you had other things on your agenda. I would hope we could just try and move forward.

Donna – I think we need to move on.

NOTE – Ed lost internet connection at this time and we skipped forward to Tom and variances.

Variance approval – Tom Guida

I have one variance that I sent over yesterday:

Variance for Freeda Lynn 475E wants to install a fireproof ladder in place of her current ladder. I assume it is in the garage. We were all informed that these accesses to the attic area in the garage are not to code, we have the opinion of the architect and all her paperwork is in order. I move we agree to accept;

Sandy – approve – its fire code it needs to be done

Yogi – approve

Pam – approve

Richard – approve

Donna - approve

Karen – Tom will you be signing, and will you be getting this over to her son so he can go to the building department for permits. She is selling the unit to her son and daughter in law.

Tom – yes, I will see that they get a signed copy.

Tom confirmed this is the only variance received for this meeting.

Maintenance Update – Donna Nevin

I have a whole page and half here – I will summarize:

Slow winter – but have collected a lot of information. The only thing I know of Preplanned for maintenance – is the woodwork and painting done. Woodwork was done 472-474. 475 is next. Karen is planning a walkthrough, and a committee member will join her to look at the buildings. Committee reviewed one cluster, our terminology is not the correct and I have a lot to learn and I will be working on r terminology with Karen. We are aware there is a plan for all clusters to be done. The last cluster to be done will be in 2030 (Ed joined back in at this point with a return of internet) Ed noted it is to be finished in 2023, which is 476-478. Then we go back to 448.

Donna then what I was given was incorrect. We would like to check the cluster that is scheduled furthest out is the one we would like to review for minor maintenance between now and when the work will be done.

Ed – 448-452 and 459-463 were done in 2015, it is now 2022. The condition of that cluster will probably need some repair work.

Donna – yes, as it is 8 years since they were completed. If someone could send me an updated sheet, the one I was working with is incorrect. We will get that squared away. Next up is Blacktop – we have \$5000 in for maintenance, I don't know when it was last done, we need to review as we have a fair amount of cracking. Falcon Report notes the cracking and that within 5 years we should seal. Some of the other clusters have patching.

Karen – it is a hot tar

Ed - Ours were not sealed as the Board at that time chose not to seal it. Stated at last society meeting by John Milligan. That this year there will be several Condos upgraded by NYSEG - Condo 16 will be upgraded by NYSEG; so they will tear up the blacktop we don't want to use up our money since NYSEG will have to do the patch up.

Karen – in another month or so I will have their trenching lines in the next month. They make a mess!

Donna – garbage bins, because of the increase of materials cost up 20% to 30%, 8 bins are due for this year. There are no new bins being reported at the moment. So, let's take a good look at all of the bins, going forward let's look at for maintenance and repair prior to purchasing new ones. We need to maintain them properly, and then we can buy new ones when we need to. Mailboxes – on ours we have the names of unit owners and unit number screwed on to our boxes. Every other Condo Group just have the numbers on – and they are not screwed on but stuck on with a sealant. They look terrific. Let's think about that every time someone moves in/out we have to update them. I have a friend in the printing business and can get a price for just stick-on number plates. This will save money in the long run as we won't have to update as frequently, since inside the boxes are the owners names anyway.

I just want a clarification on variance steps for approval: I used to handle this with board for approvals. I saw recently in the records.

Ed – now we have a variance chair; so that Tom can represent the board; it seems to be working now, unless you want to change it. It goes to Karen currently so that she can reviews the licensing and insurance, necessary paperwork. Tom then puts it together and presents to the Board. The Board then votes on it.

Donna yes that is what was stated in the meeting.

Janice – does all the review work and then it goes to Tom - this feels like extra work, what is the point then of the maintenance chair. Karen can just present it to the board.

Karen I did it in the past as we didn't have a maintenance chair.

Janice -so why two people? its making a lot out of a little.

Sandy – can Tom do what Karen is doing?

Tom – not every variance is straight forward, however, the board needs to decide if this is a good thing for the condo unit owners. I see my role as the variance chair is “is this a good thing to be done – good for our unit owners? “As far as knowing the insurance forms etc I am not up on those.

Ed – my feeling is that Karen should be in the loop; Tom you can collect the info and review with Karen. As she knows all the ins and outs and should be included in the process.

Donna – yes, absolutely

Karen – that is fine, just need to ensure that all records are kept and up to date. In the past we found that many were lost; in reviewing Ron’s old records we were not locating. So we need to ensure that all the variances are kept.

Ed – Tom, keep a copy for yourself and send one to Karen

Yogi– I feel that what we are doing now is working. Karen has all the info/insurance etc. and send it to Tom; let’s leave it with our management person, she knows what the parameters are. Karen can inform Tom that she has all that is required i.e., permits etc. It makes sense that Karen receives the application, notify the applicant if they are missing anything. Tom can then review and speak to the homeowner and review the proposal and send the report to the Board. If there is something out of norm, i.e. a fixture to be moved in their bathroom, a physical inspection should be completed before it even goes to the Board, Tom should make a visit to the homeowner.

Donna – I like this for maintenance also.

Karen – Tom the big thing is to give me back the signed variance for my files.

Donna – the maintenance community as I see it is the eyes and ears of the community; and we will feed the information to the Board and take appropriate action. I want to point out we had 4 significant issues recently, all new homeowners unfortunately.

1. Bats in the garage – Karen handled it quickly and getting a Batman in there. The bat did return, and they had to come back again. Karen said that is not unusual the bat will return; they were back in no time at all, and they sealed the garage.

SAME NEW HOMEOWNER

2. Drainage issue into the garage, water flowing into their garage and on their driveway. We will be looking at that this Spring to see what needs to be done with the drainage problem.
3. Sewer back up - snake people came in
4. Icing – driveway full of ice and the street outside.

The one thing I like about this job is that the homeowners I have met have been so nice and appreciative. I look forward to continuing to working with this with the folks.

Pam – thank you Donna for reviewing the Falcon Report!

Tom – sewer backups are they the condo or the homeowner?

Donna - it ultimately was the homeowner’s responsibility, as this was a backup and not a Suez issue. It was a snaking issue and they are aware and fine with that.

Karen – if it is a manmade plug, it is the homeowner’s responsibility. If it is 3 ft out from the unit it is usually Suez, if its inside the unit and a pipe separated/broke etc that is condo.

Below are Donna’s written notes shared for the meeting, which due to time constraints were not read during the meeting.

Maintenance report for 1/20/22 Board meeting

Things are slow during the winter, and gratefully, it does give us time to collect information and formulate some plans for moving forward. My committee hasn’t been able to meet face to face, thanks to Covid, pneumonia, surgery and other illness, but we’ve touched base via phone and email about maintenance issues, and I’ve collected more information than

anyone could imagine, dating back to 2009. I was focused on what was done in the past and in what clusters, with regard to maintenance, as well as what has been already planned for the future. Now I'm more focused on the future and evaluating what needs to be done with respect to buildings, blacktop, garbage bins and other general maintenance projects. The only thing I have been told that is scheduled to be done this year so far in major maintenance is the building wood and paint work for cluster 475, and Karen is planning a walk through that cluster in preparation for having that work done. I've asked to go with her when she does that. Since 472-474 was just completed this year, and each year the next cluster will be scheduled from 475 up, I'd also like to start walk throughs in the other clusters starting with 469-471, and work my way back, since they aren't scheduled for building wood and paint work until 2030.

I'm not aware of any blacktop being done recently in our Condo, but also plan to walk the clusters and look them over for possible work to be done. I know a lot of them have a lot of cracks and some with concavities, one of which I've been told caused someone to fall and sustain an injury, I believe last year. In walks in other Condo's during this pandemic I've noticed a lot of cracks in their asphalt have been coated with a black strip over them. The Falcon engineering report from 2020 pointed out substantial areas of cracking and sub-grade failures that require enhanced repairs during the pavement project. They further stated that if a sealant is applied 5 years after installation of asphalt and then every 3-5 years after that, it not only helps but looks better. There's only \$5000 budgeted for blacktop, but maybe we need to do something to seal areas or begin a pavement project. I hope the committee with Karen's help will be able to come up with suggestions for the Board to entertain. I notice blacktop is covered in the reserve fund also, for a major expense.

Garbage bins I know a lot about, and we have a lot of new ones from 448 up until 459, and I'm not sure how many are above 459, but I know there are some. Board of managers report from Oct. 2021 stated that "because of the cost of materials up by 20-30%, 8 new garbage bins will be done in 2022." I think new bins are great, but I've been advocating for proper maintenance of the bins for the past few years, so that we don't have to replace them with new ones because they are falling apart. I'm sure we can get a longer life out of them if they're maintained on a regular basis. We will be checking out all the bins and suggesting repair or replace. There is no order at the moment to replace 8 new garbage bins.

In walks through other Condo clusters, I've also noticed that on their mailboxes, they only have the unit numbers, not the names, and they're not attached by screws, but stick on the front of the boxes. The post office has all the names of the homeowners on the inside of all the boxes. I would like to suggest that we move to doing the same thing. We wouldn't have to buy a new tag every time someone new moves in, and remove the old and attach the new. The holes in the new name tags don't match up anyway, so we have to drill new holes to match the new tags. This would save us money in the long run. I have a friend in this business and would be happy to check out what it would cost, if the Board likes the idea.

I bring up variance steps because in the past I've handled it with a Board member, who got the approval from the Board and got back to me, and now I've read that all variance requests are to go through Karen first (10/19/21 unit owners meeting) who sends it to the Board. I just want clarification on the correct procedure.

Just to review my understanding of maintenance steps:

All maintenance issues inside or outside our homes, should be brought to Karen first, preferably by telephone.

Karen handles immediately, if emergency, or cost is \$150 or less, and notifies Ed and me. For non emergencies, action is agreed upon as to further assessment or getting bids. Bids are received, discussed by Ed and me and agreed on or not or discussed with the Board for determination.

The maintenance committee, as I see it, is the eyes and ears of the community. We will try our best to look at maintenance needs of the community and feed information to Ed and Karen and the Board for appropriate action to take place.

We have dealt with 4 significant homeowner issues recently, and unfortunately they are new homeowners. One homeowner had bats in their garage, and a vendor was sent out by Karen to assess the situation. We authorized them to return and seal the areas outside and inside the garage which they did, and needed to return for one more time. The other homeowner had 3 issues: a drainage problem down the side of their home causing flooding into the garage and down their driveway, a sewer back up, requiring a vendor to come and snake the system, and more recently a sheet of

ice in their driveway and across their street, which was hazardous They will have the drainage situation looked into this Spring.

I find that the best part of this job is dealing the homeowners, for the most part, who are very grateful for their situations being looked at and dealt with .

Thank you,

Donna

President's Comments – Ed Goldfarb –

Pam – I am sure you are aware that next month our 1-year CD is up for renewal on 02/26/2022. Anyone know of any good CD deals going on? I have been looking, there is virtually much of nothing, if anything. This is the one that is at 65k. Where do we want to put it? Pam, we should go down to bank

Pam - we need to go and meet with Fran, and speak with Dory, what the Sterling is giving us it's a floating - perhaps put it in the Money Market account.

Ed – yes, that's what I was thinking.

Pam – we can determine that; we have a little bit of time; its earning .3

Pam - December report – Sterling MM was at .3 for its duration

Ed – if we don't do anything with it the bank will automatically roll it over for another year.

Pam – Fran will let us know if there is something out there.

Ed – I need to make it clear; I mentioned NYSEG work; next thing I have – when a Unit exchanges hands from one owner to another the board does not get involved. That is strictly a property manager job. Even if a Unit Owner says to a board member can you please help me out with this that or the other, the Board member needs to say, no, I cannot, and refer to them Karen. A situation occurred – a unit owner went to a board member to clear up a problem, however it has to go through the property manager. I explained that it must go through property manager. Please Board Members do not get involved in property exchanges.

Next thing – important to Condo 16. I attended the Condo Council meeting last night regarding the proposed mini golf course to be installed up the road from us in the Somers Golf Club. They are making a full presentation at the next public hearing in March in one of the schools as the Town Hall cannot handle the number of people attending. Sandy, do you want to explain what occurred and what will be asked of us.

Sandy – we are lucky as we have council of condos and the society involved. The Council of Condos does not have money for an attorney, but the Society does, so they have locked hands in this. The one question that people had is that is that Professional Golf Association does in fact state that golf is a sport; and that Miniature golf is an amusement. So, this is a very important piece, because how they can put a mini golf course on the property and say that it is sport.

ED: -The DRG (design residential development) went into effect with builder and is issued by the town and it states that the land where the golf club is can only be used as a golf course or open land. Nothing else.

Sandy - If Somers Town Board wants to they can in fact change this – so it is a very iffy situation. IF they want to increase their tax base, etc. they could do this.

Ed – this is not good for Heritage Hills, especially those around it; this will attract families, small children , teenagers, etc - They plan to cut down the trees that are across from 3 of our clusters to install a parking lot. The Cigar Bar and the simulator are the least of the issues, they are more for the Golfers.

Sandy - Concern regarding the infrastructure; using our maintained roads. Also there is a concern regarding safety , as how will these people be driving through here. There are a lot of issues here; to make it short -- the attorney is working with the Council of Condos and writing up a form letter for all residents to sign and will be sent to all unit owners for review and signature. The cluster captains can go to their residents and get signatures. The attorney is looking into whether we can use electronic signatures. We do not know at this time where we are with the form letter and getting these people signed; Janice and I can work with the cluster captains on this.

Ed – if this happens it could drastically impact the value of our homes.

Deanie (realtor) – this will impact our prices, especially for those directly across the street. Additional lighting, parking etc – it is not fair to the families that are already there. Who knows where they will be parking if there is not enough parking?

Sandy – Feb 28 the council, society and the Attorney etc. will meet with the Town Board to discuss our opposition and the reasons for our opposition. One big sticky point here is that 40% of Somers residents approve of this. Because they don't have to deal with this... We have someone who is on the Planning Board of Somers; the Planning Board is not happy when they get loads of petitions; so the petitions will be handled by the Council. On March 1st there will be public hearing at the Middle School; I will keep everyone up to date; we need large groups to turn up.

Pam – who is the attorney? **NAME???** Petitions have proven to be successful however we need to move quickly on this so that we can have this at the public hearing.

Landscaping Update – Yogi Santa-Donato

We finalized the White Pine Vendor trimming and shaping; we will be going with Sav a Tree ; they started along the back road today ; behind 448. I have requested notification of the scheduling of this work so that Janice can distribute to Cluster Captains. The Shrub and Tree programs separately have also been awarded to Sav a Tree; The proposals were detailed in the 01/15/2022 email for our consideration. As far as the winter program – Timber Ridge has done a good job on the snow issues. We will continue to monitor their work.

Regina – who is responsible for the road in between the Clusters.

Donna – Society

Donna – I saw that in the Sav a Tree email that we were getting a discount and then I saw that we are not? What is that all about?

Pam – I sent an email - we could not afford the 1100 discount to prepay (emailed on January 16,2022); we just didn't have the finances now to prepay.

Donna – thank you

Pam – we are awarding Sav a Tree the three contracts/programs.

Janice - Does Timber Ridge do the seeding?

Yogi – yes, and I am meeting them in March to discuss.

Karen – just a reminder that NYSEG will be doing work;

Yogi – NYSEG will have to replace the seeding; as soon as you get the program from NYSEG if you could send it? We have to get the grass growing in some of these very sparse areas.

Ed – one more point; Karen sent it last week ; we got the proposal from Lint X for Dryer Cleaning coming up this summer. They sent us at this point so that we can lock in the dates so we don't have to scrounge around for dates; booking up fast. Their regular cost was \$150 ; the cost to the Unit Owner is \$99. This is a Unit Owner cost, the condo does not pay it. The Unit Owner can use any vendor they wish to.

Donna – this price is good with Lint X

Sandy -how long have they been doing this?

Deanie – they have been doing this for quite a while; we usually do this and the fireplace in the same year.

Ed - Karen will send them a listing of the owners and Lint X will contact the customers to make the appointments. We need to post signs in the Clusters to let everyone know.

If the Unit Owners do not use Lint X they must provide a receipt to their Cluster Captain of work done. The Cluster Captain turns it into Karen.

Karen – I send out an announcement to each of the Unit Owners ; Gigi ,we can do this by email and mail for those who don't have email. Those do not get posted on mailboxes. Each Unit Owner will get a letter announcing that Lint

X will be calling them, here's the date that have been set aside for Condo 16 , here's roughly what they are doing, this is the cost; if you don't do it within these time dates the cost will go up to this. You have the right to use any vendor you want and provide a receipt to your Cluster Captain.

Karen - if the Board approves this program tonight I can contact them tomorrow to get dates.

Ed – ok let's vote

Donna yes

Richard Yes

Janice yes

Tom yes

Pam yes

Sandy yes

Ed yes -Karen please advise Lint X we are on board. I believe last time we did June/beginning of July.

Cluster Captain Update – Janice Barning

We have a new Cluster Captain – Linda Zazza will split the long Cluster with Alberta. Both of us have spoken with her. She works occasionally in the evenings and could not attend today's meeting but is looking forward to working with everyone and getting to know folks and doing what she can to help.

Ed – are you planning a meeting with the Cluster Captains

Janice –absolutely I can do so by zoom , it looks like there is a lot of stuff coming up. As soon as we find out about the petition.

Ed – I asked Regina to pick up a zoom account the condo will reimburse her; my account is expiring the end of the month – once the nicer weather arrives, we can do in person

New Business –

Regina Tripodi -I have something, and it kind of relates to you Janice. I had an email conversation with a new resident they asked for all Condo 16 residents email addresses; I explained that for privacy reasons I could not share. She said she was interested in it so she could get to know her neighbors, maybe find a walking partner or if she needs a cat sitter. So now I ask the Cluster Captains shall we poll residents to share email addresses among neighbors for get togethers, vendor recommendations, etc. ?? We do seem to have a fair amount of new people moving in.

Janice – why don't we ask the Cluster Captains to inventory /poll their residents; because the residents are changing and see if they want to share. Maybe we can have choices; they don't care if its shared or like you said for purposes of walks etc. I think that can be done by getting to know your neighbors. Once the emails are out there, there are people who don't want to be bombarded.

Regina- yes, that's why I explained that I will not share anyone's email addresses. I did also direct her to the HH Directory.

Sandy – I have the perfect thing the HH Family Network group on Facebook.

Regina – yes I told her about that.

Karen – another option ; the Next Door app – you can set up a group of Condo 16 and send out invites to the Owners of condo 16 and each unit owner can decide if they want to download the app.

Pam – you can put that in the next newsletter.

Ed – Regina, when do you plan to do the next Newsletter

Regina – I need volunteers people, I am bombarded at work.– hopefully in March ; I do need assistance.

Tom and I will work together.

Karen Jahn –

Some of my report needs to be in executive session –

473E – refinancing

475E- selling

Donna Ed and I did 477C preclosing inspection.

FYI – Donna I am waiting to hear back from 476E on work there.

Ed – I asked him to send you an estimate, the condo is only responsible for the outside; he gave us a total cost of interior and exterior.

Karen – I asked him to just give us a proposal of the exterior

Karen - 463E - continuously remind owners that they cannot block the vendors; we must have ice melt.

Donna – your letter was perfect.

Karen – Yogi for 478D - they have a Maple Tree that was planted in a planter box ; do you know if the unit owner did that ?

Yogi – I don't recall

Janice -the previous owner did that

Ed – does she want it removed

Sandy – the box is falling apart

Donna – has anyone looked at it.

Karen – I looked at it; the root ball is exposed ; the unit owner did it; does the condo have any responsibility on repairing this.

Yogi – if it's a viable tree I will ask Dayna if in the spring if she can replant it out of the box into where it is now.

Pam – can we put something around the root to save it right now

Karen – burlap

Yogi – I will investigate it. It's a nice tree and it is a benefit to the Condo if we can save it. Let's see how it does the winter.

Karen – I have other items but they are for executive session

Pam – why do we have so many aged owner balances?

Karen – it's the timing of when the report was done versus when common charges are due.

For future discussion:

- 1) *proxy vs. ballot*
- 2) *vendor insurance and warranties*
- 3) *fireplace and dryer proof of service*

Richard Rubin –

1. *Long term maintenance schedule*
2. *Clarification of Ed's letter of December 13.*
3. *Clarification of Commitment to good service.*
4. *Clarification of Board members recusal from meetings.*

DATE OF NEXT MEETING OF THE BOARD – February 17, 2022 or as needed will be held via zoom

NOTATION: as per the agreement of the board members via email correspondence the reading of Matthew J Smith response regarding Romi Jordan's 12/26/21 email was waived and agreed to be inserted into the minutes of the January meeting.

Romi Jordan <jordromi@gmail.com> Sun, Dec 26, 2021 at 4:02 PM

To:

Why is this Board wanting to revise our ByLaws? Kindly send all residents a copy of the Minutes of the Board meeting at which this was decided and who was present. Also, kindly send all residents the names of the residents/Board members who actually met and decided on the changes. This information needs to be given to all residents of Condo 16, now.

When the above is executed there is a very specific way these “proposed changes” must be presented to the community of Condo 16. It is the responsibility of the Board to do the following.

The current ByLaws must be shown to the residents. At any point in them where a change is proposed the current language must be highlighted in bold color with the proposed change following. The specifics of Article #, etc. must be indicated.

It is not the responsibility of the residents to peruse and try to figure out where changes are proposed. That would be a “ridiculous” expectation with its only possible purpose being, to try to not be transparent regarding the proposed changes.

This procedure of defining each proposed change must be done so each change can be clearly evaluated by the residents before they vote. The ByLaws are not voted on as a complete entity. Each change is voted on separately. Condo 16 residents may feel some of the changes are beneficial to the community as a whole and others are not. You’re wasting residents’ money if you’re paying a lawyer to write up a final copy. There can be no final copy until each proposed change is evaluated and voted on.

As you may know, our ByLaws have been changed before. For example, one item in the original ByLaws stated that a “Board member may be removed without cause.” The updated current version states a “Board member may be removed with cause.”

The restatement of ByLaws cannot be taken lightly. It is a specific, careful and lengthy process, purposefully, so the self interest of any particular Board is not fostered.

The residents of Condo 16 await the Minutes of the Board meeting where it was decided to move forward on a ByLaw revision. Also, we await the Minutes of all meetings of any ByLaw committee and the names of participants involved.

Unfortunately, prior to our recent election, our Board was noted for its lack of transparency and deception at times. Without clear and indisputable proof that this proposed revision is not the work of just a few Board members prior to the 10/21 election, this revision cannot move forward, at this time.

Regards, Romi Jordan

470B

jordromi@gmail.com

RESPONSE OF MATTHEW J SMITH;

No, Ms. Jordan is not correct in most of the characterizations and opinions in her email.

Yes, an amendment to the by-laws must be approved by 2/3 of the unit owners (in number and common interest) and the notice of the unit owner meeting must contain a “full statement of the proposed amendment.” We discussed that at our meeting.

The Board does not have to send a copy of any minutes to all unit owners even if one unit owner requests that.

The Board does not have to give a “full statement of the proposed amendment” in the manner that Ms. Jordan personally feels is necessary. As a practical matter I always do recommend that we highlight or italicize or underline or in some manner draw attention to whatever the amendments are. As we discussed, I also recommend having informational meetings the purpose of which are to discuss the amendments and discuss and explain them.

I’m not sure what Ms. Jordan’s point or goal is? If she doesn’t want to amend the by-laws, does not want to update them to address current trends, does not want modern insurance language to attempt to trigger the condominium’s insurance coverages, does not want restrictions on leasing meant to protect the condominium and owners, does not want added clarifications to address items meant to protect the condominium – then she is welcome to that opinion and the board can vote to not pursue this matter further. Or if she likes some proposed edits and not others (as some board members did not during our meeting regarding pet rules and smoking for example) that is fine and open to discussion.

If she does want to add protective amendments then the procedures you and the board have followed to date are entirely normal and meant to include as many unit owners as possible – a committee of board members and unit owners have been involved, had a meeting with the lawyer to review all of our proposed edits, info meetings with unit owners, we discussed proxy solicitations to attempt to obtain the required high number of unit owners supporting an amendment and finally a meeting called in accordance with your by-laws for a vote on the amendments.

Matt

Matthew J. Smith

Smith Buss & Jacobs LLP

Motion to adjourn the meeting – request Cluster Captains to sign off so we Executive Session can commence.

Reopening of Meeting

Motion is made to move forward on the repair of Unit 463B roof above the Kitchen and project is awarded to Cedar Ridge.

Tom – no

Richard – yes

Donna – yes

Janice – yes

Sandy – yes

Yogi – yes

Pam – yes

Regina – yes

Ed – yes

Karen – Donna are there any additional vents on the shingle roof that need to be replaced?

Donna – on the bid it notes remove and replace vents as needed

It will be \$125 per vent

Meeting closed session

Yogi – yes

Sandy – yes